

NOTICE OF MEETING

MEETING	PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
DATE:	TUESDAY 23 NOVEMBER 2010
TIME:	1.30 pm
VENUE:	BOURGES/VIERSEN ROOMS - TOWN HALL
CONTACT:	Gemma George, Senior Governance Officer Telephone: 01733 452268 e-mail address: gemma.george@peterborough.gov.uk
<i>Despatch date:</i>	<i>15 November 2010</i>

AGENDA

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There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Gemma George on 01733 452268.

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MEMBERS OF PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

Councillor North (Chairman), Councillor Lowndes (Vice-Chairman), Councillor Burton, Councillor Hiller, Councillor Serluca, Councillor Thacker, Councillor Todd, Councillor Ash, Councillor Lane and Councillor Harrington

Subs: Councillor Winslade and Councillor Swift

CASE OFFICERS:

Planning and Development Team: Nicholas Harding, Theresa Nicholl, Lee Collins, Andrew Cundy, Paul Smith, Mike Roberts, Louise Lewis, Janet Maclennan, Astrid Hawley, David Jolley, Louise Lovegrove, Vicky Hurrell, Amanda McSherry, Sam Falco

Minerals and Waste: VACANT

Compliance: Nigel Barnes, Anthony Whittle, Karen Cole, Julie Robshaw

NOTES:

1. Any queries on completeness or accuracy of reports should be raised with the Case Officer or Head of Planning Services as soon as possible.
2. The purpose of location plans is to assist Members in identifying the location of the site. Location plans may not be up-to-date, and may not always show the proposed development.
3. These reports take into account the Council's equal opportunities policy but have no implications for that policy, except where expressly stated.
4. The background papers for planning applications are the application file plus any documents specifically referred to in the report itself.
5. These reports may be updated orally at the meeting if additional relevant information is received after their preparation.

Minutes of a Meeting of the Planning and Environmental Protection Committee
held at the Town Hall, Peterborough on 12 October 2010

Members Present:

Councillors – North (Chairman), Burton, Hiller, Serluca, Thacker, Todd, Winslade, Ash, Lane and Harrington

Officers Present:

Nick Harding, Group Manager, Development Management
Julie Smith, Highway Control Team Manager (Item 5.1)
Jez Tuttle, Senior Engineer (Development) (Item 5.2 and 5.3)
Carrie Denness, Principal Solicitor
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Lowndes (Vice Chair).

Councillor Winslade attended as substitute.

2. Declarations of Interest

There were no declarations of interest.

3. Members' Declaration of Intention to make representations as Ward Councillor

There were no declarations from Member of the Committee to make representation as Ward Councillor on any item within the agenda.

4. Minutes of the Meeting held on 7 September 2010

The minutes of the meeting held on 7 September 2010 were approved as a true and accurate record.

5. Development Control and Enforcement Matters

5.1 10/00738/FUL – Construction of three two bed and five three bed dwellings at land between 45 and 55 North Street, Stanground, Peterborough

The application sought permission for the construction of five three bedroom properties and three two bedroom properties. The application had arisen out of extensive pre-application discussions with the Local Planning Authority regarding the redevelopment of the site and broadly reflected the advice given. All eight units were proposed as affordable housing.

The layout provided for the construction of one two storey terrace of three two bedroom properties and one two storey pair of three bedroom properties fronting onto North Street. A two and a half storey terrace of three, three bedroom properties, with small single storey rear wing was proposed to the rear of the frontage

development. The block was orientated so that frontage faced east and overlooked the communal car parking court.

The proposed vehicular access and shared driveway was situated between the frontage blocks and provided access through to the rear houses and shared car parking court. It was proposed that a pair of manually operated access gates be provided to the access in order to create a defensible space.

The application site comprised 0.214 hectare of unallocated brownfield land. To the north the site abutted the 'Back River', with the Nene Washes located beyond. The Washes, including the Back River, were designated as the Nene Washes Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar site. The character of the area was predominantly residential with dwellings located to the east, south and west of the site, although it was noted that there was an active boat yard to the north west of the site.

The site contained a copse of trees which were proposed for removal. However, a sycamore tree on the site was to be retained.

The area was characterised by frontage developments situated within long thin plots. Many of the properties had outbuildings/boat storage located within the rear curtilage. The street scene comprised a varied design, scale and age of properties.

Historically, the site had been used as a boat builder's yard, but had been vacant for a significant period of time and primarily comprised overgrown scrub land. There were a number of mature trees located within the site, however their individual form was poor and it was proposed that the majority of these were removed and replacement planting secured. The site levels sloped significantly (approximately 1.6m) from the highway down to the northern boundary with the Back River.

Approximately 70% of the application site was located within Flood Zone 1. The northern part of the site was located within Flood Zones 2 and 3.

An ecological assessment had been undertaken and submitted by the applicant. No features or species of value had been identified.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that although the City Council was in ownership of the site, it was not the applicant. The applicant was Cross Keys Homes.

The main issues for consideration in relation to the application were highlighted as being the principles of development, the design and impact on the character of the area, residential amenity, the impact of the development on neighbour amenity, highway implications, landscape, flood risk and drainage, land contamination and the issue surrounding the S106 planning obligation.

Approval by the Committee was sought for the proposal subject to the signing of an S106 agreement and also the submission of a Phase 1 Contaminated Land Report. Members were advised that previously, Environmental Health had implemented a contaminated land condition, however recent case law had come to light which indicated that where there was a reasonable prospect of the site being subjected to contamination, the local authority making the decision on the application should as a minimum obtain a detailed Phase 1 Contamination Report, which was to be submitted to it by the applicant.

Members were informed that the application had been brought before the Committee for it to consider in the first instance and if approval was granted for the proposal

then the Phase 1 Contamination Reports would be obtained. Once obtained, these would be dealt with by Officers under delegated authority outside of the Planning Committee.

With regards to the development, Members were advised that the two and half storey block to the rear of the development was comprised of specific deliberate design features, these being so that the windows would be directed towards the river and to ultimately limit the amount of overlooking of the adjacent properties which would stand approximately 20-23 metres away.

Being adjacent to the river, the site would be liable to flood risk. The built part of the development would be built back from the 1 in 1000 year flood line and therefore the properties as proposed were considered to be acceptable to flood risk.

Concerns had been highlighted regarding the suitability of the visibility splays. In order to address these concerns, the applicant had undertaken a speed survey which indicated the speed of traffic using North Street. The conclusion reached from the speed survey was that the visibility splay, as proposed, was acceptable.

Members' attention was drawn to additional information contained within the update report and it was highlighted that there were a number of proposed revisions to the highways conditions and also a slight change to the wording relating to the condition for flood risk. There were also written submissions attached to the report that had been provided by one of the speakers on the proposal.

In summary the Committee was informed that the proposal was acceptable in terms of flood risk and highways safety, there being adequate visibility splays at the proposed junction and there also being adequate car parking on the site. Given the proposed distances and the direction of the views from the windows in the development, the level of overlooking was considered to be acceptable.

Councillor Irene Walsh, Ward Councillor, addressed the Committee on behalf of local residents and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The location of the proposed development. North Street was located in the older part of Stanground Village, where the local residents took extreme pride in their properties
- The regard for the river that local residents had and the lengths that local residents went to in order to make the rear of their properties aesthetically pleasing to the people using the river. The implementation of a block of flats next to these properties would not fit in with, or compliment the surrounding one and two story properties
- Boat users and visitors coming in to the city by train, would surely not be impressed by the view of a block of flats and a car park
- The proposal for a gated entrance was not acceptable. During night time hours, people wishing to gain access to the site in their vehicles would cause light nuisance to the surrounding properties, because of their vehicle head lights shining through bedroom windows. This objection had been specifically raised by a local resident with young children, who lived opposite the proposed development
- What would happen if more than one car approached the gated entrance at any one time?
- Previous experience with a gated development in Church Street, Stanground had shown that people could not be bothered to exit their cars in order to open the gates. Surely this would happen here to and this would lead to numerous cars parking on the already congested road

- Was the undertaking of a speed check by the developer correct? Was this not a conflict of interest?
- It had been reported to Councillor Walsh that the speed check had been carried out when the corner of Church Street and South Street had been blocked to through traffic, thus restricting the normal flow of traffic on North Street. Was the speed check therefore accurate?
- Was the headroom going to be sufficient in the three storey block?
- It had not been highlighted where the rubbish bins were to be stored or where they were to be collected from
- The possible state of contamination of the land and also the state of the river wall. Would a Phase 1 Contamination examination be sufficient?
- The design of the proposal could be improved upon

Mrs Jacqueline Harrison, an objector and local resident, addressed the Committee and requested that Mr Morris Jackson, whose father had previously owned the proposal site, be allowed to address the Committee for a portion of the allotted five minute objector time on contamination issues. The Legal Officer addressed the Committee and advised that Mr Jackson had not registered to speak under the Committee's speaking scheme therefore, it was for the Committee to agree the additional speaker.

The Chairman addressed the Committee and asked whether Members had any objections to the additional speaker. There were no objections from any Members and Mr Jackson was granted a portion of the objectors speaking time.

Mrs Harrison and Mr Jackson, addressed the Committee jointly and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- Mrs Harrison had spent the vast majority of her life working in the public sector and was fully aware of the need for affordable homes however, she believed that the homes should be governed by published planning policies
- The proposal was contrary to policies DA2 and DA6 with regards to the adverse effects on neighbour amenity. Mrs Harrison's property would be overlooked by five out of the eight proposed properties. Plots four and five would overlook the top of her garden and also the garden of her neighbour and plots six, seven and eight would overlook the bottom of her garden. This would mean that Mrs Harrison's entire garden would be overlooked. This amount of overlooking could not be considered reasonable
- The construction working hours were proposed to be ten hours a day Monday to Friday, and four hours a day on Saturdays. This was an area populated by working people and young families and their lives would be adversely affected by traffic and noise. Could the working hours therefore be restricted to 9.00am to 5.00pm Monday to Friday and no weekend working?
- The amount of contamination that had taken place on the proposed site including the storage of diesel and petrol, the crushing and burying of asbestos, the spillage of creosote on the land and the anti foul from the bottom of boats which had been scraped off and left on the ground

The Planning Officer addressed the Committee and responded to a number of questions that had been posed by the speakers. With regards to the applicant undertaking the speed survey in the area and whether this could be construed as a conflict of interest, Members were advised that the Local Authority did not undertake work on behalf of developers and therefore this situation was entirely normal. With regards to the room heights on the top floor of the three storey development, Members were further advised that at a height of two metres, there was more than adequate head height. In terms of the bin collection arrangements, it had been

confirmed that Cross Keys Homes would provide the Council with an indemnity to allow its vehicles to go into the private area to collect the bins.

The Planning Officer further addressed the Committee regarding the possibility of the land being contaminated. The Phase 1 works, would, if the Committee was minded to approve the application, be undertaken. This work would inform Officers as to the levels of contamination and what action would need to take place next.

Members sought further clarification as to whether people would be more inclined to park outside of the front of the development on the road, rather than inside the development. In response, the Highways Officer addressed the Committee and stated that she did believe that people living in the front properties would be inclined to park on the street outside of the development, as people tended to want to park near to their properties. The Committee was further advised that the layout had been designed so that two vehicles could pass easily, and it was also of adequate size for a refuse vehicle to enter and turn within the site. With regards to the gates, Members were advised that the option of no gates would perhaps be a better one.

In response to further questions from the Committee with regards to whether electronic gates were considered to be better than manual gates and also whether the Traffic Management Survey which had been conducted was a fair representation of traffic in the area, due to roads nearby being closed at the time, the Highways Officer further addressed the Committee and advised that electronic gates were considered to be the better option rather than manual gates, as people were less inclined to get out of their cars to open manual gates. With regards to the Traffic Management Survey, this had been conducted following specific guidance and if this had not been the case the survey would not have been accepted. Therefore, Highways were satisfied with the results.

After debate, Members expressed concern with regards to several issues including the windows which overlooked the neighbours gardens, the height of the rear block in relation to the properties at the front of the proposal, which were smaller in scale, the responsibility for the up keep of the communal garden space, the provision of fencing at the rivers edge, the need for additional trees, the lack of garage facilities, the number of car parking spaces and the loss of neighbour amenity. The possibility of deferring the item was explored and the Planning Officer stated that if the item was deferred then Cross Keys would lose funding for the proposal.

After further debate and further comments regarding the loss of neighbour amenity, the negative impact of the proposal on the character of the area and the domination of the three story building, a motion was put forward and seconded to refuse the application. The motion was carried by 7 votes, with 2 voting against and 1 not voting.

The Committee commented that the Government funding scheme had a deadline of 31 December 2010 and it was suggested by Members that the applicant return with a new scheme, particularly focusing on the issues surrounding the three storey block,

RESOLVED: (7 for, 2 against, 1 not voting) to refuse the application, against officer recommendation.

Reasons for the decision:

The proposal was unacceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

- The three storey design of Plots 6, 7 and 8 with its windows in the habitable rooms at third floor level would result in extensive and detrimental overlooking of the gardens of adjacent residential properties. The proposal was therefore contrary to Policy DA2 of the Peterborough Adopted Local Plan (First Replacement) (2005).
- The height of Plots 6, 7 and 8 was out of keeping with the form of development in the locality and would have an overbearing appearance in relation to adjacent land uses. The proposal was therefore contrary to Policies DA1 and 2 of the Peterborough Adopted Local Plan (First Replacement) (2005).
- Given the nature of the previous uses of the site, the site was likely to suffer from contamination and therefore a Phase 1 contamination report was required to inform the appropriateness of the development, remediation and subsequent necessary undertakings. No such report had been submitted and the proposal was therefore contrary to the provisions of paragraphs 23 and 24 of PPS23.
- The applicant had failed to make adequate provision for the infrastructure requirements arising from the development. The proposal was therefore not in accordance with Policy IMP1 of the Peterborough Local Plan (First Replacement) (2005) which stated:

'IMP1 - Planning permission would not be granted for any development unless provision was secured for all additional infrastructure, services, community facilities and environmental protection measures, which were necessary as a direct consequence of development and fairly and reasonably related to the proposal in scale and in kind. The provision of such requirements should be secured as part of development proposals or through the use of conditions attached to planning permissions, or sought through planning obligations.

Where provision on an application site was not appropriate or feasible, provision elsewhere, or a contribution towards this provision, would be sought where necessary.

Where a planning application was for part of a larger area planned for development, a pro rata provision of any necessary facilities, services or infrastructure, or a contribution towards them, would be sought.

The meeting was adjourned for five minutes.

5.2 10/00777/FUL – Construction of Neurological Care Home, to include 107 beds, 37 assisted living units, Neurological Therapy Centre and associated parking and landscaping at land known as The Oak Tree site, Bretton Way, Bretton, Peterborough

The purpose of the development would be to provide continuing and critical care for persons with a range of neurological health care needs. This care would be provided to the 18 – 65 age groups. It would be 24 hour care and would require specialised personnel and would help to free up intensive care space in the hospitals. In addition, there were 37 proposed “assisted living units” which were self contained one or two bed units set over 3 floors. These would be occupied by elderly people who could maintain a degree of independent living whilst being part of the larger complex.

The applicant had estimated that the development would create approximately 180 full time equivalent posts, 90 – 95% of which would be sourced within a 3 kilometre radius of the site. These assumptions were based on the applicant’s existing care facilities at Milton Keynes and Bletchley.

The proposal comprised a complex type development of mainly two and three storey buildings. The buildings were arranged in three large “elements” each comprising a varied configuration and form and were arranged around a central courtyard area which housed the main reception to the development. The buildings were arranged so as to provide a built frontage to Bretton Way and turn to provide a continuous frontage to the Bretton Way roundabout from which the site would be accessed. There was a landscaped area including garden areas and balancing pond between the buildings and the public highway and footpath.

The proposals provided 10,495 square metres of gross internal floor space. The buildings varied in height but the proposed three storey buildings were up to approximately 12.8 metres in height.

There was a single point of access for both vehicles and cyclists/pedestrians which was off the western spur of the Bretton Way/Flaxland roundabout. All the parking and servicing was located to the rear of the site, adjacent to the western boundary of the site and the open countryside to the west. There were 60 proposed parking spaces including 4 disabled spaces, a minibuss space, 6 motorcycle spaces and 20 cycle spaces (10 stands).

The proposal provided for landscaped gardens and edges to the development.

The site comprised 1.32 hectares of vacant land, presently covered in scrub and grass. To the south of the site was a two storey office building, to the south and east (on the opposite side of Bretton Way) was residential development off Flaxland and the Bretton Centre. Immediately to the north of the site was Grimeshaw Wood, an area of ancient woodland that was designated as a County Wildlife Site. To the west was open countryside and approximately 800 metres further west was the edge of Milton Park, designated as an historic park and garden. A public footpath ran along, but outside, the western boundary of the site and continued through Grimeshaw Wood to the residential development further north. The site appeared to be very self-contained and well screened and separated from neighbouring development and residential areas. The site contained a mature oak tree which was protected by a tree preservation order and it was proposed to retain this tree and incorporate it into the landscaping scheme as a feature.

The site was accessible by public transport (buses) and by cyclists and on foot but there was room for improvement. There were three nearby bus stops, at Bretton Way, Flaxland and the Bretton Centre.

The Planning Officer addressed the Committee and gave an overview of the proposal. The main issues were also highlighted and included the fact that the proposal site had been allocated in the Adopted Local Plan for employment use and the proposal did not fall into a ‘B Class’ employment use, the scale and design of the proposal, the ecological implications of the development primarily in relation to bats, the transport and sustainable travel and archaeology.

Members were advised that in terms of the departure from the Adopted Local Plan, consultation with Planning Policy, at the pre-application stage, had been undertaken and evidence had been submitted and accepted which highlighted that there had been virtually no interest in the site for employment use for many years, therefore there would be no need to retain the site for pure employment use. Members were further advised that the proposal would generate a significant number of jobs and in conclusion Officers were happy with the proposed use on the site.

Officers were happy that the design and appearance of the site was appropriate for the setting, the highways access was deemed to be safe and the travel plan which

had been submitted was satisfactory. It had been identified as part of this plan, to provide a real time bus stop information facility at the Bretton shopping centre and to also provide signage for the shared cycleway leading from the Bretton centre.

With regards to the issues surrounding ecology, bat survey work had been undertaken and was of insufficient depth for any conclusion to be reached with regards to whether a lighting level restriction of more than 2 lux level would be appropriate in the area. A condition had therefore been applied to restrict lighting levels in the area between the edge of the building and the edge of the wood to no more than 2 lux level. The implementation of this condition would allow the bat habitat to be protected. The applicant had agreed that the meeting of this condition would not pose any health or safety problems to either staff or patients at the care home. The applicant was also aware that, if at any time they wished to amend the lighting levels in the area, they would need to submit a detailed bat survey.

With regards to the issue of archaeology, some trial trenching had taken place at the site and this had led to the need for some further excavation works to be undertaken. This work had been proposed to be effected via a condition and this was acceptable to the applicant.

Mr Andy Ryley and Mr Paul Moran, the agent and applicant, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- Gratitude was extended to the Planning Officers for making the application process a smooth one
- The design of the proposal was of very high quality and was an individually designed building on a very prominent site
- The proposal would present a very positive frontage to Bretton Way and the building would be aesthetically pleasing to the eye
- The site would be well screened from the countryside to the West and its domestic scale would ensure that there would be no undue impact
- The proposal had been specifically designed to take into account the protected oak tree and it had been used as a key feature of the design
- The proposal had been designed to keep the impact of building at Grimeshaw Wood to a minimum, with the building being set back a minimum of 11 metres and a maximum of 18 metres from the wood
- PJ Care had acted responsibly to address technical issues highlighted and work had been undertaken closely with the Planning Officers to work through these issues
- PJ Care would continue to work alongside Officers in order to mitigate against the effect of the proposal on the environment
- The site had been vacant for around 20 years, with no previous success for employment use. The site had also been identified for residential use in the Council's emerging Site Allocations Document
- The proposal would achieve the best of both worlds providing much needed specialist health accommodation and also providing 180 FTE jobs. It was therefore felt that the scheme would be of significant benefit to the city of Peterborough
- PJ Care had wished to locate in the East of England and Opportunity Peterborough had played a vital role in facilitating meetings between PJ Care and Building and Planning Control. These meetings had helped to convince PJ Care that Peterborough was the optimum location for the centre
- The Cabinet Member for Business Engagement and Councillor Nash, a Bretton Ward Councillor, were also to be thanked for their enthusiasm and support for the project

- The centre would be PJ Care's first fully integrated care centre with a purpose built therapy area and occupational therapy kitchen and a hydrotherapy facility, for which there had already been a high level of interest
- It was part of PJ Care's company ethos to support the community where they operated. The training centre was estimated to cost £300,000 and this had been designed to be larger than was required with the specific intention of making it available to the local community as a training, meeting and conference centre and it had already been agreed that the Local Neighbourhood Support Team would be able to use the facility on an ongoing basis
- All of the dairy, fruit and vegetables used at the centre would be sourced locally
- It was expected that over 90% of staff would come from the local vicinity

The Committee sought further clarification as to where the waste storage facilities would be located and whether there would be any problems with the refuse vehicles accessing and turning in the site. The Highways Officer addressed the Committee and advised that the access to the site was already in place and was of significant size. There was also a significant amount of space for refuse vehicles to turn around, so this would not be an issue. The bins would be located near to the kitchens.

After debate, and positive comments regarding the proposal, a motion was put forward and seconded to approve the application, subject to an additional condition being imposed regarding the installation of vehicle wheel cleaning equipment. The motion was carried unanimously.

RESOLVED: (Unanimously) to approve the application, as per officer recommendation subject to:

1. The prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) for a financial contribution to meet the needs of the area
2. The conditions numbered C1 to C16 as detailed in the committee report (the proposed additional condition for the imposition of a wheel wash was not required as this was covered by condition 15 as detailed in the committee report)
3. If the S106 has not been completed within 2 months of the date of this resolution without good cause, the Head of Planning Transportation & Engineering Services be authorised to refuse planning permission for the reason R1 as detailed in the committee report

Reasons for the decision:

Subject to the imposition of the conditions, the proposal was acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan. The proposal represented an exciting and welcome opportunity to develop the site for a specialised health care use provided within a high quality building which made the most of the site's position. Concerns about the handling of the ecological aspects of the proposal had been set out in full in the committee report and officers had taken a pragmatic approach. As the proposal had been approved, it would be for the developer to fulfil the requirements of the lighting condition.

All other outstanding matters would be dealt with by the imposition of conditions.

5.3 10/00975/FUL – Demolition of existing dwelling and construction of three bed dwelling with detached garage at The Haven, Second Drift, Wothorpe, Stamford

The proposed development was a three bedroom house with a detached double garage. The house proposed was two storeys consisting of a main block with projecting gable-end features to front and rear. The proposed dwelling would be about 10.5m wide, set 6m from the boundary with the neighbouring plot (Thomas House) and 1m from the indicative boundary with the plot on the other side. Height to eaves would be about 5.2m and height to ridge about 9.4m. Access was proposed via a new entrance from Second Drift.

The application had initially been for a 5 bed dwelling. This had been changed to a 3 bed property on Planning Officers' advice.

The application site was part of a plot known as The Haven. The site had already been divided, with the rear part of the garden to be developed as a single dwelling. The front part of the site was shown as two plots known as plot A (subject of the current application) and plot B (to the north-west). The application site comprised an area of about 40m deep and 18m wide at the front, narrowing to about 14.5m wide at the rear. The front section of the plot comprised an existing verge and hedge line, behind this would be the garage, then the house and garden. The site sloped in two directions.

The Planning Officer addressed the Committee and gave an overview of the proposal. The main issues were also highlighted and included the principle of development, the impact the development would have on the character of the area and the impact on the amenity of neighbouring dwellings.

The size of the proposal was considered to be more in keeping with the character and nature of the area in Wothorpe, which was characterised by large dwellings situated within spacious plots. Officers felt that the proposal could be accommodated on the plot without detrimental impact to the neighbouring dwellings and the design of the property was also in keeping with neighbouring dwellings.

Councillor David Over, Ward Councillor, addressed the Committee on behalf of local residents. In summary the concerns highlighted to the Committee included:

- The Haven had been subjected to a wide variety of speculative applications with a range of changes, withdrawals, approvals and appeals. This had led to a lot of confusion amongst local residents
- There had been a number of points raised by Councillor Over in objection to the application and these were listed in full in the committee report
- Speculative developers had been garden grabbing in Wothorpe over the past couple of years. First Drift currently had numerous building works being undertaken on it and Second Drift had changed beyond recognition. The Parish Council had never been consulted on these plans
- There was no great demand for new properties in the area. There were a number of houses up for sale
- The site was not currently an undeveloped plot as there was currently a property situated on it
- The previous level of 'established levels of distance between houses' used to be wider
- The materials proposed fitted in with the new houses, not the older traditional houses
- The house was going to be sited on a hill looking down on numerous properties

- How would two new houses not add to infrastructure burden?
- There was no green space or recreation space in Wothorpe
- There were no objections received from Highways, maybe this was because there were no highways in the area, only private roads
- It had been stated that Peterborough needed large 4/5 bedroom properties. Wothorpe was seventeen miles away from Peterborough
- All the villagers parked on the road, as the villas did not have garages. The committee report stated that there was sufficient parking, as parking on the grass verges could occur. This would be detrimental to the area and was against local bylaws
- How was it that the committee report stated that there were good services in the area? There was low water pressure, a poor broadband service, a poor electricity supply and no gas
- The committee report stated that shops and a station were located a mile away, however if you travelled by road the nearest shop was a tailors shop, not a food shop
- The Local Plan urged against back land development as it damaged the character of the rural areas
- There was an issue with surface water drainage in the area

Mr Nicholas Dowell, an objector and local resident, addressed the Committee on behalf of the residents of Second Drift. In summary the concerns highlighted to the Committee included:

- Re-development of the site was welcomed, but not in a way that affected the character of the area
- The proportions of the development did not fit the plot, and the proposal was an unsympathetic approach towards development
- The development failed to meet several of the criteria specified in the design and policy guidelines
- The height of the development was against the residential design guide, section 4.10, which stated that houses on southern parts of a development should not be higher than those to the north. In this case there was a two and half story house in front of a one and half storey chalet. This would be further accentuated by building the property on higher ground
- The Planning Department had expressed concerns regarding the height of the development, the height had not been reduced following these concerns. Would a further application also be made for a loft conversion? Hereward Homes had a history of creeping development
- Why did the roof ridge on the plan need to be so high, other than the possibility it will be used for further development?
- The proposal was identical in design to the properties that had been built by Hereward Homes on the land next door to The Haven. This took away from the character of the area and lead to uniformity. These views were shared by a Planning Officer whose views had been highlighted in the committee report

Mr Mike Sibthorpe, a planning consultant representing the applicant, addressed the Committee. In summary the issues highlighted to the Committee included:

- The application proposed the demolition of the existing dwelling on the site, which dated from 1951 and the erection of a three bedroom, two storey detached dwelling on part of the site frontage
- Planning permission had previously been granted for the erection of a dwelling on the rear portion of the site
- Planning permission had previously been sought for the erection of one, four bedroom and one, five bedroom dwelling on the site frontage. That

development had been refused on the grounds of overdevelopment and was currently the subject of an appeal

- The current application sought to address previously identified concerns by reducing overall scale
- The footprint of the building had been reduced and this would result in satisfactory spacing between the proposed dwelling and the existing dwelling towards the south, Thomas House, and any future dwellings to the north
- Any future dwellings adjacent that were proposed, would enjoy satisfactory separation from Cromwell House
- The cross section information that had been submitted by the applicant, illustrated that the proposed dwelling was satisfactory in relation to neighbouring properties and would not require significant excavation
- The proposal would be constructed of natural stone under a natural slate roof
- The Planning Officers report demonstrated that there would be no harmful impact on the character and appearance of the area or on neighbours amenity
- The scale of the dwelling had been significantly reduced and the design reflected the traditional styling that complimented the design of the adjoining development to the south
- A boundary hedge treatment to the frontage would be maintained
- The proposal would comply with national and relevant planning policies
- Wothorpe had been identified as appropriate for in-fill type development
- The proposal would not result in loss of privacy nor would it have overbearing impact

The Planning Officer addressed the Committee and responded to issues raised by the speakers. Members were advised that there was no policy requirement stating that the applicant was required to demonstrate a need for the property. The dwelling was not indicated to be an affordable dwelling, so again there was no need to demonstrate an affordable housing need.

With regards to local amenities and provision of services, it was felt that in this case there were amenities suitably located, Anglian Water would provide water to the site and there were no doubts that adequate provision of services could be provided. The provision of services was not usually a matter for the planning authority to take into consideration when considering such proposals.

With regards to the issue of height, Members were advised that the properties that fronted the road would be stepped down, and given the nature of the site in terms of the slopes, the development would not necessarily comply one hundred percent with guidance around the development being completely level.

With regards to the issue of the properties having similar characteristics to the adjacent development, Members were advised that the density of the landscaping would obscure views of the dwellings and it was felt that there would be sufficient variations in the designs to ensure the character of Wothorpe was preserved.

After debate and clarification from the Planning Officer as to which of the policy issues highlighted by Councillor Over were relevant to the application, a motion was put forward and seconded to approve the application. The vote was tied with 5 voting for and 5 against. The Chair therefore exercised his casting vote and the motion was carried

RESOLVED: (5 for, 5 against with the casting vote exercised by the Chairman) to approve the application, as per officer recommendation subject to:

1. The conditions numbered C1 to C9 as detailed in the committee report

Reasons for the decision:

Subject to the imposition of the conditions, the proposal was acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

- The site was within the settlement boundary
- A dwelling could be accommodated without unacceptable detrimental impact on the amenities of occupiers of neighbouring dwellings
- A suitable level of amenity could be provided for residents, including access and parking
- The proposed dwelling would not affect the character of the area to an unacceptable degree

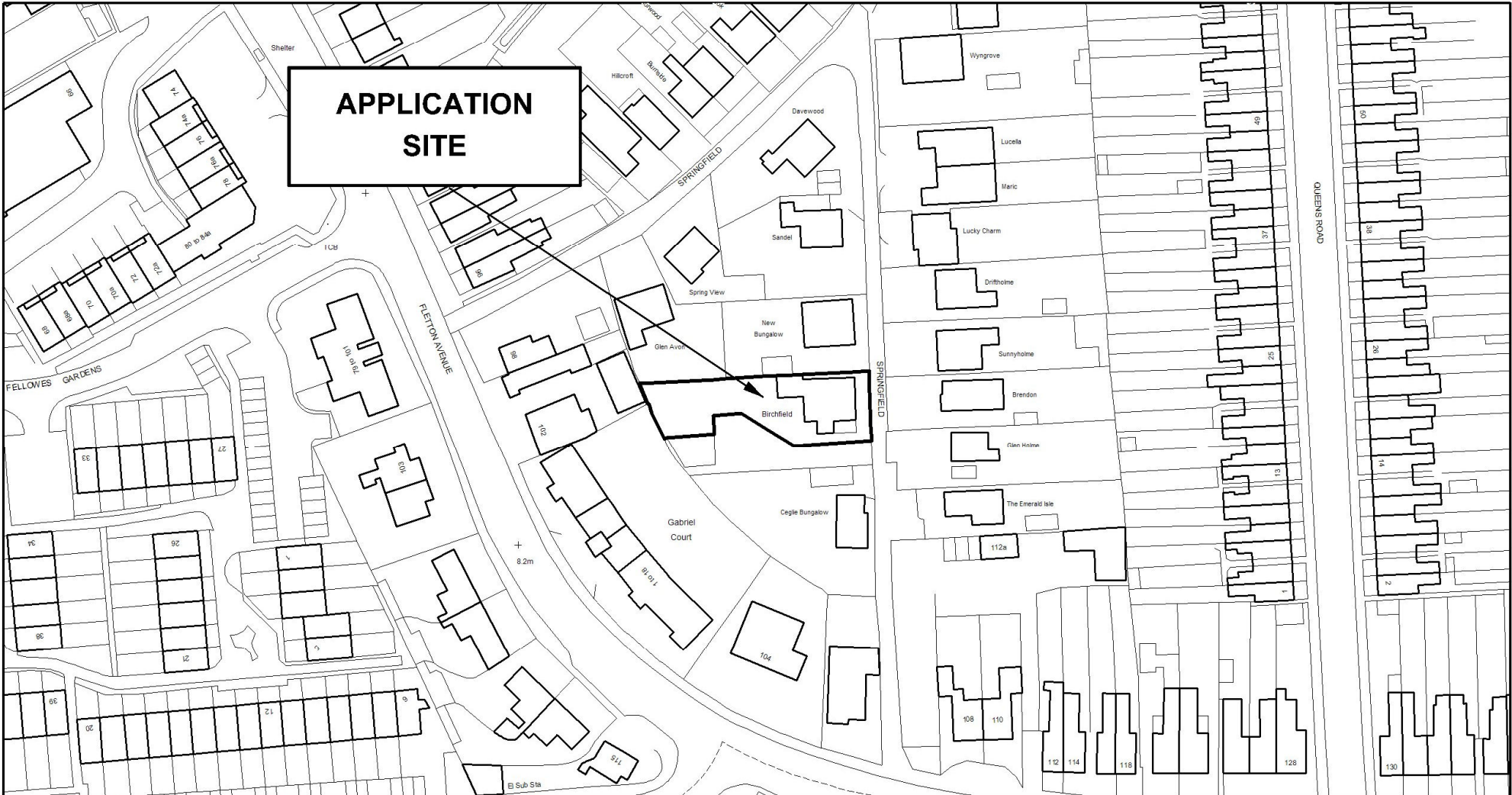
Hence the proposal accorded with policies H16, T1, DA2 and DA6 of the Peterborough Local Plan (First Replacement) (2005).

5.4 10/01065/FUL – Use of land for one extended gypsy family comprising two residential caravans and one family room caravan to include the erection of a noise barrier (revised scheme) at land opposite, 3 Hurn Road, Werrington, Peterborough

The Committee was advised that the item had been withdrawn from the agenda and would be considered at the next meeting.

13.30 – 16.07
Chairman

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**APPLICATION
SITE**

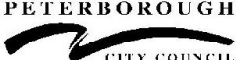
LOCATION PLAN 10/01308/FUL

Birchfield, Springfield, Fletton, Peterborough

Scale 1:1250 **Date** 10/11/2010 **Name** MKB **Department** Planning Services

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10/01308/FUL: DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF TWO STOREY 4 BEDROOM DWELLING AT BIRCHFIELD, SPRINGFIELD, FLETTON

VALID: 20 SEPTEMBER 2010

APPLICANT: MR G D*AMORE

AGENT: NONE STATED

REFERRED BY: CLLR SERLUCA

REASON: THERE IS LOCAL SUPPORT FOR THE PROPOSAL AND THEREFORE THE APPLICATION SHOULD BE CONSIDERED BY COMMITTEE

DEPARTURE: NO

CASE OFFICER: DAVE JOLLEY

TELEPHONE: 01733 453414

E-MAIL: david.jolley@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The proposal is for the demolition and replacement of the existing bungalow with a 1.5 – 2 storey house

The main considerations are:

- The appearance of the proposed dwelling
- The impact on the character of the area
- Impact on the amenities of occupiers of neighbouring dwellings

The Head of Planning Transport and Engineering Services recommends that the application is REFUSED.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Key policies highlighted below.

- DA1 Development shall be compatible with its surroundings create or reinforce a sense of place and not create an adverse visual impact.
- DA2 Development shall be satisfactorily accommodated on the site, not have an adverse affect on the character of the area and have no adverse impact on the amenities of occupiers of nearby properties.**
- H16 Seeks residential development if the following amenities are provided to a satisfactory standard; daylight and natural sunlight, privacy in habitable rooms, noise attenuation and a convenient area of private garden or amenity space.
- T1 New development should provide safe and convenient access for all user groups and not unacceptably impact on the transportation network.**
- T10 Car parking provision to be in accordance with maximum car parking standard

Planning Policy Statement 3: Housing. This requires Local Planning Authorities to make best use of land for new residential development and to ensure that it is well integrated with and complements the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.

Planning Policy Statement 7: The Countryside, Environmental Quality and Economic and Social Development seeks to integrate development necessary to sustain economic and social activity in rural communities whilst protecting the character of the countryside. It indicates that new development should be sensitively related to existing settlement patterns and to historic, wildlife and landscape resources.

ODPM Circular 05/2005 "Planning Obligations". Amongst other factors, the Secretary of State's policy requires planning obligations to be sought only where they meet the following tests:

- I. relevant to planning;
- II. necessary to make the proposed development acceptable in planning terms;
- III. directly related to the proposed development; (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development)
- IV. fairly and reasonably related in scale and kind to the proposed development;
- V. reasonable in all other respects.

In addition Circular 05/2005 states the following principles:

The use of planning obligations must be governed by the fundamental principle that **planning permission may not be bought or sold**. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.

Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development.

3 DESCRIPTION OF PROPOSAL

The proposed development is a detached 1.5 and 2 storey four bedroom house of standard brick and tile construction. The house proposed is of two stories with two front facing gable elements flanking a lower central section. The proposed house would measure approximately 13.8 metres wide by 7.0 metres deep and set 6.0 metres back from the boundary fronting Springfield, 5.2 metres from the southern boundary and 1.0 metre from the northern boundary. The height of the dwelling would be approximately 4.2 metres above ground level to the eaves and 6.9 metres to the ridge. Access to the dwelling is unaltered from the existing arrangement.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site is known as Birchfield and the current dwelling occupies a generous plot 46m deep by 20m width. The plot currently contains the bungalow to be demolished and a large 1.5 storey garage/store which is to remain.

Springfield is a street of varied character, a mixture of bungalows and two storey dwellings situated within a variety of differently sized plots. Whilst fairly varied the majority of the dwelling are relatively plain single fronted 1940's dwellings with little in the way of decorative ornamentation or features. The later dwellings tend to carry on this plain theme.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
06/00581/FUL	Erection of double garage with storage above	permitted	13.04.2006
07/00284/FUL	Erection of detached one and a half storey garage/store and garden room	permitted	22.02.2007

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Highways – No objection.

Environmental Health – No objection

EXTERNAL

Parish Council – No reply received

NEIGHBOURS

The following comments were received in respect of the proposal:

- A bungalow would be more appropriate as all dwellings on that side are bungalows
- Car and vehicles could be parked to the front of the new dwelling

COUNCILLORS

No comment received

7 REASONING

a) Introduction

The applicant states that the current property has three different floor levels and three different flat roof levels. None of the floors incorporate thermal insulation and some areas are defective regarding protection against damp. Intersections between roof sections are proving problematic in providing an effective seal against damp. Some walls are solid block work, with no cavity or insulation and provide poor thermal performance.

b) Character of the area

The character of Springfield is varied, both in terms of plot and building size and design. The street is a mixture of bungalows and two storey dwellings. The western site of Springfield, where the application site consists solely of bungalows, with the larger properties mainly situated north of the application site where the road bends to the west. The dominant character of the area is considered to be relatively plain fronted 1940's dwellings, with little by way of detailing or elaboration aside from bay windows and brick arches above recessed porches.

There are a number of exceptions to this rule, some of the more modern properties have not continued the 1940's character of the area, most notable are 'Glenholme' opposite the application site and Woodland and Tudor house approximately 75 metres to the north.

Woodland and Tudor House form a group of larger dwellings in a location that is considered separate from the other dwellings within Springfield as they are sited 30+metres from the road. As such it is considered that they are not fundamental to the overall character of Springfield and are not reason enough to permit developments that do not respect the overriding character of the area that being plain fronted 1940's style dwellings. It must also be stated that Tudor house appears totally at odds with the character of the surrounding area and the Local Planning Authority would resist any similar development, even though it may be argued that the precedent has been set.

Glenholme opposite does feature considerably more decoration than the other properties within Springfield. Features such as (Reconstituted) stone lintels and cills and decorative brick strings under eaves have been included within the dwelling. The use of these elements is fairly restrained and the property benefits from being relatively narrow and single fronted with a single front facing gable element. The dwelling is also situated on the east side of Springfield which has a number of two storey dwelling, these factors ensure that Glenholme does not appear overly dominant within the street scene.

The proposed replacement dwelling would be the only two storey dwelling on the west side of Springfield and is considered to be overly fussy in terms of its decorative elements, with stone capped parapets to the tops of the porch and front facing gables, stone cills and lintels, front facing two front facing dormer windows, double frontage, bay windows and double chimneys all visible on the front elevation of the property.

The dwelling is also considered uncharacteristically wide at first floor level (13.8 metres wide) given its location between two bungalows. The double fronted design, with double front facing gable elements is considered too imposing given the rather plain surroundings and it is clear that the proposed dwelling it would become the dominant feature within the street scene, drawing the attention to the detriment of the character of the surrounding area.

The proposal is also set too far back from the established building line of the western side of Springfield. The bulk of the dwelling is set back approximately 7.0 metres from the edge of the road and as such is not compatible with its surroundings, serving to further draw attention to the 'differentness' of the proposed dwelling when compared to the surrounding dwellings.

d) **Impact on neighbour amenity**

The proposed dwelling is set 1.0 metre from the northern boundary. The proposed two storey dwelling would be overbearing and result in unacceptable levels of overshadowing to the property due north of the application site, know as 'New Bungalow'.

The applicant has stated that the dwelling would not result in overshadowing and is compliant with Building Regulation K1. This is not considered relevant and the proposal will be considered under local plan policies, where it is considered to be contrary to Local Plan Policy DA2. The fact that the occupier of the dwelling has not objected to the proposal does not alter the fact that the proposal is contrary to policy.

The 1st floor south facing side dormer window would result in overlooking of the amenity space of Ceglie Bungalow harming the amenity of the occupiers of this dwelling.

e) **S106**

There is no requirement for a S106 contribution as the proposal replaces an existing dwelling as such no additional impact will arise from the proposal.

f) **Highways/parking**

Unchanged from the existing site arrangement (following submission of revised red line plan).

8 **CONCLUSIONS**

Subject to the imposition of the attached conditions, the proposal is unacceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

- The proposed dwelling is over elaborate with regards to its design and appearance and is not in keeping with the rather plainly detailed character of the other dwellings within Springfield. The proposal is considered incompatible with its surroundings and harmful to the character of the area.
- The double fronted front facing gable design is not in keeping with its surroundings, resulting in an incongruous dwelling that would become a focal point within Springfield to the detriment of the character of the area.
- The dwelling is sited too close to the northern site boundary and would be overbearing and result in unacceptable overshadowing to the neighbouring dwelling 'New Bungalow', harming the amenity of the occupiers of that dwelling.
- The dwelling is sited too far back from the established building line, and would result in a dwelling at odds with its surroundings, to the detriment of the character of the area.

9 **RECOMMENDATION**

The Head of Planning, Transport & Engineering Services recommends that this application is **REFUSED**.

R1 The proposed dwelling is over elaborate with regards to its design and appearance and is not in keeping with the rather plainly detailed character of the other dwellings within Springfield. The proposal is considered incompatible with its surroundings and harmful to the character of the area. This is contrary to policies DA1 and DA2 of the Peterborough Local Plan which state:

DA1 Planning permission will only be granted for development if it:

- a. is compatible with, or improves, its surroundings in respect of its relationship to nearby buildings and spaces, and its impact on longer views; and
- b. creates or reinforces a sense of place; and
- c. does not create an adverse visual impact.

DA2 Planning permission will only be granted for development if, by virtue of its density, layout, massing and height, it:

- a. can be satisfactorily accommodated on the site itself; and
- b. would not adversely affect the character of the area; and
- c. would have no adverse impact on the amenities of occupiers of nearby properties.

R2 The double fronted, front facing gable design is not in keeping with its surroundings, resulting in an incongruous dwelling that would become a focal point within Springfield to the detriment of the character of the area. This is contrary to policies DA1 and DA2 of the Peterborough Local Plan (First Replacement).

DA1 Planning permission will only be granted for development if it:

- a. is compatible with, or improves, its surroundings in respect of its relationship to nearby buildings and spaces, and its impact on longer views; and
- b. creates or reinforces a sense of place; and
- c. does not create an adverse visual impact.

DA2 Planning permission will only be granted for development if, by virtue of its density, layout, massing and height, it:

- a. can be satisfactorily accommodated on the site itself; and
- b. would not adversely affect the character of the area; and
- c. would have no adverse impact on the amenities of occupiers of nearby properties.

R3 The dwelling is sited too close to the northern site boundary and would be overbearing to the neighbouring dwelling 'New Bungalow', harming the amenity of the occupiers of that dwelling. This is contrary to policy DA2 of the Peterborough Local Plan (First Replacement).

DA2 Planning permission will only be granted for development if, by virtue of its density, layout, massing and height, it:

- a. can be satisfactorily accommodated on the site itself; and
- b. would not adversely affect the character of the area; and
- c. would have no adverse impact on the amenities of occupiers of nearby properties.

R4 The dwelling is sited too far back from the established building line, and would result in a dwelling at odds with its surroundings, to the detriment of the character of the area. This is contrary to policy DA1 and DA2 of the Peterborough Local Plan (First Replacement).

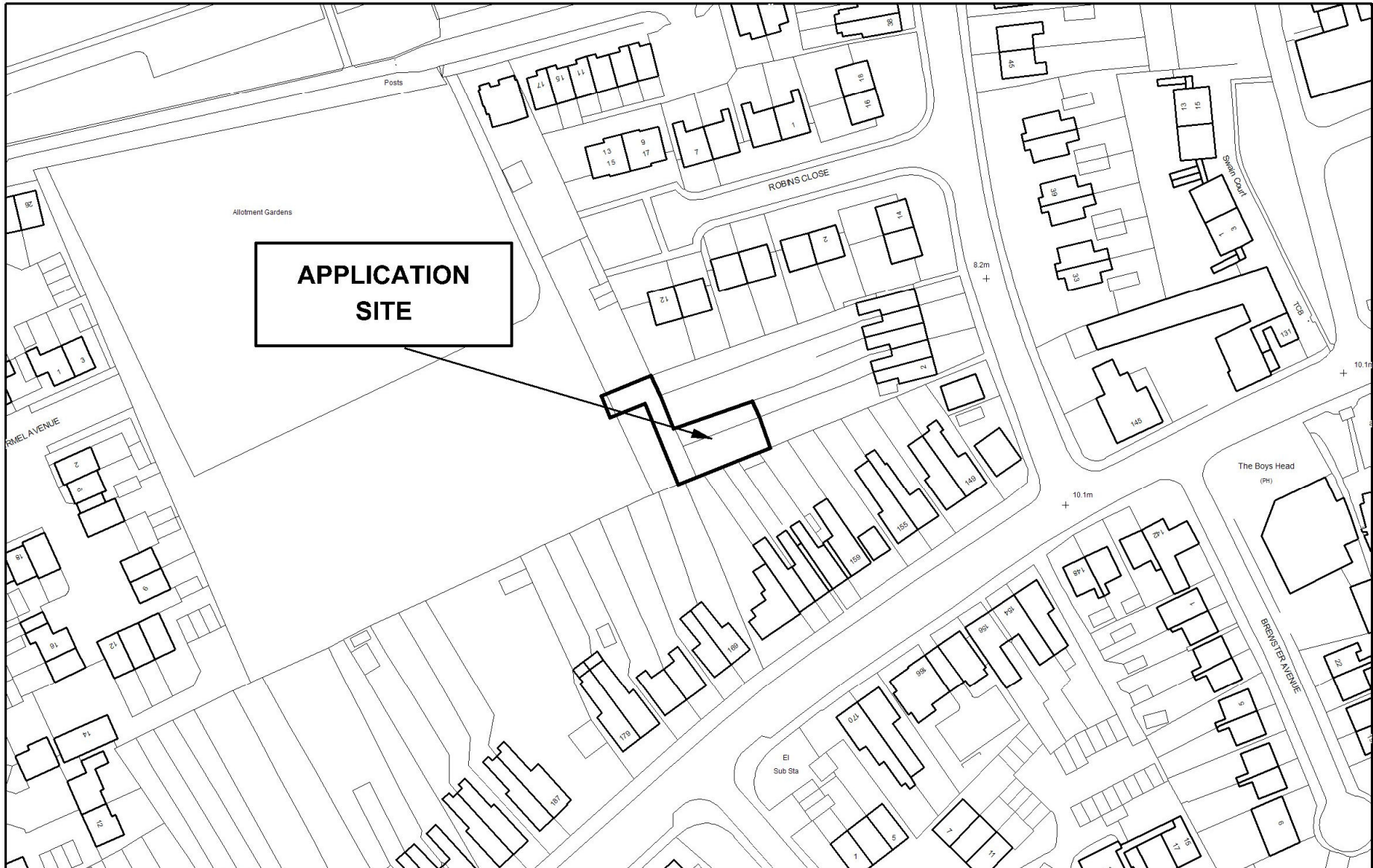
DA1 Planning permission will only be granted for development if it:

- a. is compatible with, or improves, its surroundings in respect of its relationship to nearby buildings and spaces, and its impact on longer views; and
- b. creates or reinforces a sense of place; and
- c. does not create an adverse visual impact.

DA2 Planning permission will only be granted for development if, by virtue of its density, layout, massing and height, it:

- a. can be satisfactorily accommodated on the site itself; and
- b. would not adversely affect the character of the area; and
- c. would have no adverse impact on the amenities of occupiers of nearby properties.

Copy to Councillors Serluca and Lee



LOCATION PLAN 10/01295/FUL

Land to the Rear of 12 Robins Close, Woodston

Scale 1:1250 Date 12/11/2010 Name MKB Department Planning Services

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10/01295/FUL: CONSTRUCTION OF 3 BEDROOM HOUSE WITH REVISED CAR PARKING AT LAND TO THE REAR OF 12 ROBINS CLOSE, WOODSTON, PETERBOROUGH

VALID: 27/09/2010

APPLICANT: ELAINE CHIVA

AGENT: B M DESIGN CONSULTANCY

REFERRED BY: CLLR LEE

REASON: OVERDEVELOPMENT OF THE SITE
IMPACT ON THE NEIGHBOURHOOD AND VISUAL AMENITIES
THE DEVELOPMENT IS NOT IN KEEPING WITH THE AREA

DEPARTURE: NO

CASE OFFICER: DAVE JOLLEY

TELEPHONE: 01733 453414

E-MAIL: david.jolley@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The proposal is to erect a three bedroom house with car parking and to alter the parking to a previously approved residential development.

The main considerations are:

- Impact on the amenities of occupiers of neighbouring dwellings
- Ability of the site to accommodate the development
- Character and appearance of the proposed dwelling

The Head of Planning Transport and Engineering Services recommends that the application is **APPROVED**.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Key policies highlighted below.

- | | |
|------------|--|
| DA1 | Development shall be compatible with its surroundings create or reinforce a sense of place and not create an adverse visual impact. |
| DA2 | Development shall be satisfactorily accommodated on the site, not have an adverse affect on the character of the area and have no adverse impact on the amenities of occupiers of nearby properties. |
| H16 | Seeks residential development if the following amenities are provided to a satisfactory standard; daylight and natural sunlight, privacy in habitable rooms, noise attenuation and a convenient area of private garden or amenity space. |
| T1 | New development should provide safe and convenient access for all user groups and not unacceptably impact on the transportation network. |
| T10 | Car parking provision to be in accordance with maximum car parking standard |

Planning Policy Statement 3: Housing. This requires Local Planning Authorities to make best use of land for new residential development and to ensure that it is well integrated with and complements the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.

Planning Policy Statement 7: The Countryside, Environmental Quality and Economic and Social Development seeks to integrate development necessary to sustain economic and social activity in rural communities whilst protecting the character of the countryside. It indicates that new development should be sensitively related to existing settlement patterns and to historic, wildlife and landscape resources.

ODPM Circular 05/2005 “Planning Obligations”. Amongst other factors, the Secretary of State’s policy requires planning obligations to be sought only where they meet the following tests:

- i. relevant to planning;
- ii. necessary to make the proposed development acceptable in planning terms;
- iii. directly related to the proposed development; (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development)
- iv. fairly and reasonably related in scale and kind to the proposed development;
- v. reasonable in all other respects.

In addition Circular 05/2005 states the following principles:

The use of planning obligations must be governed by the fundamental principle that **planning permission may not be bought or sold**. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.

Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development.

3 DESCRIPTION OF PROPOSAL

The Proposed dwelling is a three bedroom, three storey detached dwelling of standard brick and tile construction. The dwelling would measure 6.0 metres wide by 8.0 metres deep with a dual pitch roof measuring 5.3 metres above ground level at the eaves and 8.8 metres at the apex. The dwelling would be sited 0.8 metres from the southern boundary of the application site and an amenity area 55sqm is proposed to the rear of the dwelling and two tandem parking spaces to the side of the dwelling.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site is a small extension to the previously approved application 08/00147/FUL – the erection of 4 x 3bedroom semi detached dwellings and 2 x 2 bedroom semi detached dwellings.

The site is comprised of former garden space of numbers 2 and 4 Wharf Road and is accessed via the turning head of Robins Close and shares its boundaries with properties within Robins Close, Wharf Road and Oundle Road, with allotments lying to the west. The site lies approximately 1 mile west of the city centre.

The surrounding area is of mixed character, the properties of Oundle Road being generally of late C19th/ early C20th, with features such as canted bay windows with stone capping, stone window cill and lintels and decorative brick stringing commonplace. The properties of Wharf Road and Robins Close are more modern 1950’s dwellings with very little architectural detailing aside from small porches

5 PLANNING HISTORY

Application Number	Description	Date	Decision
07/00201/OUT	Erection of two dwellings	permitted	18.04.2007
08/00147/FUL	Four x 3-bed semi-detached dwellings and 2 x 2 bed semi-detached dwellings	permitted	09.02.2010

10/00803/DISCH G	Discharge of conditions C4 (Materials), C5 (Bins/Landscaping), C7 (Fire Hydrant), of application 08/00147/FUL - Four x 3-bed semi-detached dwellings and 2 x 2 bed semi-detached dwellings	approved	27.08.2010
10/00832/FUL	Construction of three-bed dwelling and two car parking spaces each for plots 4 and 5	refused	20.08.2010

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Highways Officer - Object; Concerned there is insufficient turning/manoeuvring area between the parking spaces for plots 3, 4 and 6 they will not be used by householders to park their cars. As a result of this vehicles will be parked along the private access road, thus narrowing the width which would cause a detriment to all users of the adjacent public highway.

Archaeology – No objection; Archaeological field work has already been carried out on the site. Trenches were excavated in order to assess the archaeological potential of the site. These exposed four undated features, three of which were sealed beneath an undated subsoil, and the fourth was found to cut this layer. No other archaeological deposits of features were uncovered during the works.

Section 106 RELATED CONSULTATIONS

S106 Officer - A S106 contribution of £6000 + £120 monitoring fee applies to this application in accordance with the Planning Obligations Implementation Scheme SPD.

EXTERNAL

Parish Council – No reply received

NEIGHBOURS

The following comments were received in respect of the proposal:

- The house is not in keeping with other houses in the area
- Will block views and light to residents of Oundle Road
- Builders have cleared bushes and trees to the rear of the properties of Oundle Road
- The semis currently under construction are too high
- Any development in this location will spoil the amenities of the area
- Proposed dwelling would destroy privacy

COUNCILLORS

Cllr Lee has requested the application go before committee for the following reasons:

- overdevelopment of the site
- impact on the neighbourhood and visual amenities
- the development is not in keeping with the area

7 REASONING

a) **Introduction**

This application is a small extension to the previously approved application 08/00147/FUL and also proposes minor changes to the approved parking and turning arrangement of the extant permission. This application is a resubmission of application number 10/00832/FUL which was refused due to the poor outlook of the proposed dwelling and the presence of parking of a neighbouring dwelling directly adjacent to the kitchen windows of the proposed dwelling.

b) **Character of the area**

The proposed dwelling is similar in design and appearance to the other dwellings approved under application 08/00147/FUL, namely that it is relatively contemporary in its appearance having features that can be seen on the more traditional properties of Oundle Road, the dwelling features a timber and tile storm porch and windows with stone or stone effect lintels and cills.

Given that the dwellings approved under 08/00147/FUL are part constructed, the proposed dwelling is seen as consistent with the character of the area. The approved dwellings rise to a height of 9.5 metres above ground level, the dwelling proposed under this application is approximately 9.0 metres and is therefore consistent with other development in the area. The site is also fairly secluded and well screened from the public highway and only readily visible to the occupants of the adjacent properties of Oundle Road, Wharf Road and Robins Close.

The local planning authority therefore considers the proposal to be consistent with the varied character of the area and compliant with Local Plan Policy DA2.

d) **Impact on neighbour amenity**

The proposed dwelling is sited 0.8 metres from the boundary shared with the residents of Oundle Road. The new dwelling would be sited to the north of this boundary and therefore no overshadowing of the garden space of the dwellings within Oundle Road would result from the proposal. There are no windows that directly face the Oundle Road Properties.

The dwelling would be sited approximately 20 metres from the existing rear elevations of the properties of Oundle Road and would result in a flank elevation with an eave height of 5.3 and an apex height of 9.0 metres. This is considered to be on balance an acceptable separation distance given that it is a flank and not front or rear elevation that would face the occupants of Oundle Road.

This level of separation between dwellings is commonplace in urban areas and the orientation of the proposed dwelling will ensure that no direct overlooking into the garden space of the occupants of Oundle Road will occur. Oblique views into amenity space will be possible but views directly into primary habitable room windows of neighbouring dwelling will not be possible. This includes the other properties previously approved under application 08/00147/FUL. The level of overlooking that will result is not considered to be severe enough to warrant refusal of the application.

e) **Section 106 Requirements**

A Section 106 contribution is required in respect of the proposed development in accordance with the Council's Planning Obligations Implementation Scheme SPD, but at the time of writing the agreement has not yet been completed.

f) **Highways/parking**

The Local Highways Authority have objected to the proposal on the grounds that there is insufficient turning/manoeuvring area between the parking spaces for plots 3, 4 and 6 they will not be used by motorists to park their cars. As a result of this vehicles will be parked along the private access road, thus narrowing the width which would cause a detriment to all users of the adjacent public highway.

The turning space behind the parking spaced of plots 3 and 4 is slightly substandard; the normal distance required being 6.0 metres. However the applicant has shown that they can achieve 5.0 metres of space and have submitted a tracking plan to help illustrate that it is possible to park and turn in the space available and whilst less than ideal, will not preclude the use of the parking spaces. The Local Planning Authority agree with this position and consider that due to low levels of traffic expected the proposed parking arrangements are on balance acceptable.

g) **Other matters**

Parking

It is considered that the reasons for the refusal of application number 10/00832/FUL have been overcome through the reorganisation of the parking arrangements for the proposed dwelling and the dwellings approved under application number 08/00147/FUL and that the proposal is now acceptable when considered against the relevant Local Plan Policies.

Three Storey House

One objection relates to a three storey house being out of character with the surrounding area, loss of outlook, loss of light, the removal of boundary vegetation and lack of information regarding the previous proposal.

As stated above the fact that 3 storey dwellings are under construction in accordance with application 08/00147/FUL established this type of dwelling as part of the character of the area and the Local Planning Authority could not use this objection as a reason for refusal of the application. The proposed dwelling is approximately 0.5 metres lower than the approved part constructed dwellings and is therefore considered consistent with the established character of the area.

Loss of view and overbearing development

Loss of view is not a material planning consideration and could not be used as a reason for refusal of the application. As already stated above the distance between the dwellings of Oundle Road and the application site is considered adequate and the proposed dwelling will not be overbearing to the occupants of the adjacent dwellings of Oundle Road.

Loss of landscaping

The removal of the boundary vegetation is not a material planning consideration. If the vegetation is within the applicant's boundary then it can be removed lawfully. If the vegetation is outside of the applicant's boundary then it is protected by law. This is a civil matter that falls outside of the planning process as such cannot be taken into consideration when determining this application.

Lack of information from the Local Planning Authority regarding the previous proposals

Our records show a letter of consultation was sent to all objectors including this comment in their representations regarding the previously approved application 08/00147/FUL.

Reduction in property value

The statement regarding loss of property value is not a material planning consideration and cannot be taken into account when determining planning applications.

Loss of amenity/privacy

As stated above the Local Planning Authority do not consider the impacts on privacy as materially harmful enough to warrant refusal. The orientation of the proposed dwelling limits views into the amenity space of the adjacent properties of Oundle Road.

8 CONCLUSIONS

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in light of all material considerations, including weighting against relevant policies of the development plan:

- The poor outlook suffered by the dwelling proposed under application number 10/00832/FUL has been overcome by the reorganisation of the parking arrangements for the development.
- The design and appearance of the proposed dwelling is consistent with the properties approved under application number 08/00147/FUL and is not out of keeping with other existing development.
- The proposed dwelling would not result in unacceptable levels of overlooking of neighbouring dwellings.
- The proposed dwelling would not be overbearing to the occupiers of Oundle Road
- The revised parking and turning arrangements for the extant permission 08/00147/FUL whilst below Local Highways Authority standards are considered acceptable given the low volumes of traffic expected within the development.

9 RECOMMENDATION

The Head of Planning, Transport & Engineering Services recommends that this application is **APPROVED** subject to the following conditions

- C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- C 2 In the event that unsuspected areas of contaminated land/materials are discovered during the implementation of the development hereby approved, work in the identified areas shall cease and the Local Planning Authority informed in order that an assessment can be made of the remedial measures that would be required to either control, remove or negate the potential for harm from the contaminants that may be present. Development shall thereafter only proceed once a scheme for the control or monitoring of such contaminants has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect and safeguard the amenity of the local residents or occupiers, in accordance with PPS23 (Planning and Pollution Control).

- C 3 No development shall take place until samples of all the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

- C 4 Prior to the occupation of any of the dwellings, the spaces designated for the purpose of the parking and turning of vehicles, as shown on drawing number 4449 01 A (Site Plan) shall be provided, and shall thereafter be used for no other purposes other than the parking and turning of vehicles.

Reason: In the interests of highways safety and in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).

- C 5 An area for refuse bins to be stored on collection days adjacent to the turning head of Robins Close shall be provided prior to first occupation of the dwellings in accordance with details to be agreed with the Local Planning Authority before development commences.

Reason: In order to protect the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

- C 6 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no windows shall be inserted into the dwelling and outbuilding other than those expressly authorised by this permission.

Reason: In order protect the amenity of the adjoining occupiers or the visual amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

Copy to Councillors Serluca and Lee



LOCATION PLAN 10/01345/FUL AND 10/01346/CON

80 Lincoln Road, Peterborough

Scale 1:1250 Date 10/11/2010 Name MKB Department Planning Services

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10/01345/FUL: PARTIAL DEMOLITION AND CONVERSION OF EXISTING MAIN BUILDING TO FORM 4 DWELLINGS (2X1 BED AND 2X2 BED FLATS); FULL DEMOLITION OF EXISTING OUT BUILDINGS AND CONSTRUCTION OF 21 DWELLINGS (6X2 BED HOUSES, 2X3 BED HOUSES, 1X4 BED HOUSE, AND 12X2 BED FLATS) TOGETHER WITH ACCESS, CAR PARKING AND LANDSCAPING

10/01346/CON: PARTIAL DEMOLITION AND CONVERSION OF EXISTING MAIN BUILDING TO FORM 4 DWELLINGS; FULL DEMOLITION OF EXISTING OUT BUILDINGS AND CONSTRUCTION OF 21 DWELLINGS

AT 80 LINCOLN ROAD, PETERBOROUGH

VALID: 28 SEPTEMBER 2010
APPLICANT: ACCENT NENE LTD
REFERRED BY: HEAD OF PLANNING TRANSPORTATION AND ENGINEERING SERVICES
REASON: PREVIOUS COMMITTEE INVOLVEMENT
DEPARTURE: NO

CASE OFFICER: AMANDA MCSHERRY
TELEPHONE: 01733 454416
E-MAIL: amanda.mcsherry@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The proposal is to convert (with selective demolition) 80 Lincoln Road into 4 flats, to fully demolish all outbuildings and construct 21 dwellings (12 flats and 9 houses).

This is a revised scheme following the refusal at Full Council of a development of 34 dwellings (27 flats and 7 dwellings) and the complete demolition of 80 Lincoln Road (Thurston House).

The main considerations are:

- The impact of the development on the Conservation Area and 80 Lincoln Road
- The impact of the development on trees and ecology
- The proposed design and layout
- The impact on neighbouring sites
- Car parking provision
- Housing provision
- S106 Planning Obligation

The Head of Planning, Transport and Engineering Services recommends that the application is APPROVED.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Relevant policies are listed below with the key policies highlighted.

The Peterborough Local Plan (First Replacement)

CBE3 Development affecting a conservation area is required to preserve or enhance the character or appearance of that area.

CBE4 Demolition of unlisted buildings which make a positive contribution to the character or appearance of a conservation area will not be granted, unless there are overriding reasons, or there are replacement proposals which make an equal or greater contribution.

LNE9 New development must where reasonably practicable retain and protect the trees that make a positive contribution to the environment and make adequate provision for landscaping of the site.

LNE19 Planning permission will not be granted for any development proposal that would cause demonstrable harm to a legally protected species.

DA1 New development should be compatible with or improve, its surroundings in respect of its relationship to nearby buildings and spaces.

DA2 The density, layout, massing and height of new development must be able to be satisfactorily accommodated on the site, without adversely affecting the character of the area or any neighbouring sites.

DA11 The vulnerability to crime in new development must be satisfactorily addressed in the design, location and layout of the proposal.

DA7 The needs of people with disabilities must be met in terms of access and provision of appropriate facilities.

CC8 New residential development in the city centre is supported provided suitable amenity for residents is provided.

CC15 Controls the provision of new city centre car parking for proposed developments.

CC16 New city centre development, should provide secure, safe, convenient and high quality parking for cycles.

IMP1 New development must make provision to secure all additional infrastructure, services, community facilities and environmental protection measures, which are necessary as a direct consequence of development and fairly and reasonably related to the proposal in scale and kind.

Material Planning Considerations

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below, with the key areas highlighted:

PPS1 Delivering Sustainable Development, sets out the planning policies for the delivery of sustainable development.

PPS3 Housing, seeks to secure well designed, high quality housing.

PPS5 Planning and the Historic Environment, seeks to protect historic buildings, conservation areas and the historic environment.

PPG13 Transport, seeks to integrate planning and transport and promote more sustainable transport choices.

ODPM Circular 05/2005 "Planning Obligations". Amongst other factors, the Secretary of State's policy requires planning obligations to be sought only where they meet the following tests:

- i) relevant to planning;
- ii) necessary to make the proposed development acceptable in planning terms;

- iii) directly related to the proposed development; (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development)
- iv) fairly and reasonably related in scale and kind to the proposed development;
- v) reasonable in all other respects.

In addition Circular 05/2005 states the following principles:

The use of planning obligations must be governed by the fundamental principle that **planning permission may not be bought or sold**. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.

Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development.

There is relevant guidance in the Park Conservation Area Appraisal.

3 DESCRIPTION OF PROPOSAL

This is a joint committee report to cover:

1. 10/01345/FUL, the full application for the proposed residential development, and
2. 10/01346/CON, the conservation area consent for the demolition and partial demolition of buildings on site.

Full planning permission is sought under planning reference 10/01345/FUL for conversion of the existing main building into 4 flats (2 x 1 bedroom, 2 x 2 bedroom), 6 two bed houses, 2 three bed houses, 1 four bed house, and 12 two bedroom flats together with access, car parking and landscaping. Conservation Area consent is sought under reference 10/01346/CON for partial demolition of the main Thurston House/Gayhurst Victorian villa, and full demolition of all the other buildings on site.

A total of 25 residential properties would be provided on the site, 16 flats and 9 houses. 12 two bed flats would be accommodated within Block A. This is a three storey L-shaped block which fronts onto Lincoln Road and its design reflects the large terrace of former houses opposite. 4 flats would be accommodated within the retained Thurston House, 2 one bedroom and 2 two bedroom flats. Each flat would have one car parking space.

Of the 9 houses that would be provided; 3 dwellings are to be accommodated in Blocks D (a two storey high row of terrace properties); 2 dwellings in Block E (a two storey high pair of semi detached properties); and 4 dwellings are located in Block C (a terrace of 3 two storey high and 1 two and half storey properties). Each of the 2 bedroom properties would have one car parking spaces, and the 3 and 4 bedroom properties each have two car parking spaces.

30% of the residential units will be affordable. A total of 32 secure cycle parking spaces are to be provided for the flats and each of the dwellings would have a cycle storage. The site is to be access from Lincoln Road.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site is located within the city centre boundary and Park Conservation Area as defined by the Local Plan. The site is located on the west side of Lincoln Road. It is positioned to the south of St Mark's Church and Beeches primary school site, and to the north of the Craig Street surface level public car park and NHS building. To the west of the site are the rear gardens of the two storey residential houses on Craig Street.

The site covers an area of 5,070 sq metres. It is occupied by a large substantial Victorian brick built villa, now in commercial use, located in the centre of the plot, along with various minor outbuildings at the western end of the site. The main building has many surviving original features and is a good example

of the Victorian buildings that are characteristic of this part of Lincoln Road. The site is also characterised by its mature tree lined southern and eastern boundaries and the spacious nature of the plot.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
10/00502/FUL	Construction of 34 dwellings together with access, car parking and landscaping		Refused
10/00510/CON	Demolition of all buildings on site including offices and garages		Refused
09/00838/FUL	Construction of 8 dwellings, 32 apartments, NHS Recognition Centre (A2 or B1 (a) use together with access car parking and landscaping	29.09.2009	Refused
09/00839/CON	Demolition of all buildings on the site including offices and garages	29.09.2009	Refused
98/01036/FUL	Erection of three prefabricated units for storage of office furniture and equipment	02.11.1998	Approved
97/00756/FUL	Use as office	12.09.1997	Approved
94/P0220C	Renewal of planning permission P1531/88/C/R for residential development comprising of 6 maisonettes and 14 flats with parking	17.11.1994	Approved
P1531'88	Residential development comprising maisonettes and 14 flats with parking	10.04.1989	Approved
P0982'85	Temporary use for furniture storage	23.12.85	Approved
P0464'85	Erection of 24 No. elderly persons flats	18.07.1985	Approved
P0074'80	Continued use as offices	19.02.1980	Approved

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Highways – Comments awaited

Environmental Health – Comments awaited

Landscape Officer – Objection - Block A is in close proximity of the tree and so there will be considerable shading and possible pressure for pruning works.

Wildlife Officer – No objection.

Drainage – No objection – Recommend condition requiring full design details of the proposed drainage systems proposed for this development should be forwarded for approval.

Waste Management – No objection – Happy with the location of the underground facility.

Housing Strategy – 7 units to provide the on site 30% affordable housing is acceptable.

Police Senior Architectural Liaison Officer – No objections

EXTERNAL

Fire and Rescue – No objection but comments that a hydrant will be required for this development

English Heritage – Following the previous refusals on site, welcomes the retention and conversion of the original portion of Thurston House. Raises some concerns about the materials, design, scale and

massing of Block A and the resulting impact on the Conservation Area and Thurston House. Concerns the brick piers between the proposed railings be deleted.

Peterborough Civic Society – Welcomes the substantial retention of Thurston House, but regrets the loss of the spacious garden setting. However raises no further objection to the principle of the new development. The only concerns that remain are in respect of the vehicle access and landscaping. This particularly in respect of the design and finishes of the access which does little for the setting of Thurston House.

Anglian Water – No objection

Neighbours – No letters of representation have been received

COUNCILLORS

None received

7 REASONING

a) Background

The proposal is a revised scheme following the refusal of permission (by Full Council on 29th 14th July 2007) for a development of 34 dwellings that involved the demolition of the whole of 80 Lincoln Road (Thurston House) and the associated outbuildings.

The application Ref: 10/00502/FUL for construction of 34 dwellings was refused by Full Council for the following reasons:

1. The proposed development fails to preserve or enhance the character of the area being a sensitive area adjacent to St Marks Church in the Conservation Area. This is therefore contrary to Policy CBE 3 of the Peterborough Local Plan First Replacement (2005).
2. Thurston House/Gayhurst is a historically important and significant building which makes a significant positive contribution to the character and appearance of the Park Conservation Area. The proposed replacement buildings (under planning reference 10/00502/FUL) are of insufficient quality to make an equal or greater contribution to the Conservation Area. This is therefore contrary to Policy CBE4 of the Peterborough Local Plan First Replacement (2005).
3. The proposed development fails to provide suitable amenity for residents as there is inadequate provision of shops, open space and suitable leisure provision within the area. This is therefore contrary to Policy CC 8 of the Peterborough Local Plan First Replacement (2005).

Since the last decision the applicant has made the following changes to the submission:

- Retention and conversion of the main part of Thurston House into flats
- Reduce number of units from 27 apartments and 7 dwellings to 16 apartments and 9 dwellings
- Reduction from 36 car parking spaces to 28
- Deletion of Block B apartments (as this is where Thurston House is sited)
- Redesign of block A to allow views through to the retained Thurston House
- 30% units are affordable as opposed to 100% previously

Assessment of the Planning Issues

b) The impact of the development on the Conservation Area (The duty placed on decision makers to consider whether or not any proposal would serve to preserve or enhance the character or appearance of the area – 4 tests)

The site lies within the Park Conservation Area, therefore in accordance with PPS5, the proposal needs to be assessed in terms of whether the proposed development and the loss of the buildings would preserve or enhance the character and appearance of the Park Conservation Area.

The existing building on site 'Thurston House' and nearby buildings (including the St Marks Church and other former Victorian villas), the curtilage and street trees, are identified by the Park Conservation Area (2007) as features which make a positive contribution to the townscape of the Conservation Area. EH9 of PPS5 advises that there should be a presumption in the favour of the 'conservation of designated heritage assets' Policy CBE4 follows a similar line.

A starting point is to consider the character of the area. The Park Conservation Area Appraisal was adopted in March 2007 and provides important planning guidance. The character of the Park Conservation Area is broadly that of large Victorian villa style properties set within large plots with frontage trees. Of relevance to consideration of the proposed demolition the appraisal advises:-

- That there is a general presumption against intensification of plot use and demolition of buildings which make a positive contribution to the character and appearance of the conservation area.
- Plan 7.2 (Townscape Appraisal) identifies buildings that have a positive effect on the conservation area: Thurston House, St Marks Church and other nearby Victorian villas, curtilage and street trees all make a positive contribution to the character and appearance of the conservation area
- "Further loss of original buildings is directly at odds with the conservation area objectives" Section 5.5

Specifically Thurston House has many surviving architectural features and is a good example of the Victorian buildings characteristic of this part of Lincoln Road. Thurston House and nearby buildings make a positive contribution to the townscape of the conservation area. The Council are currently considering whether Thurston House should be added to the revised Local List.

In view of the previous refusals for planning permission and conservation area consent, this scheme now proposes to retain the main part of Thurston House and convert it into 4 flats, and demolish only the rear section of the building. Officers welcome the substantial retention of this traditional building.

Of the other buildings to be demolished only the former stable block to the rear of the site has merit. However, this is not readily visible from outside the site and its contribution to the conservation area is more limited. There would be no objection to the demolition of this building in order to provide development opportunity which consisted of some new build in the curtilage of the retained the principle building.

It is not only the Thurston House building itself that positively impacts on the townscape, but also its extensive grounds and curtilage trees which are typical of the Victorian character. This character is also shaped by the building line, together with consistent eaves and ridge heights on buildings nearby.

The existing building on this does respect the building line and is not dominant in the street scene due to the strong tree presence on the site frontage and the large set back of the building. The set back allows views of the adjacent church and in particular its spire, which is a local landmark feature. This openness and the views that it provides, is also a part of the current character. The design of the new build respects this character. Development is set back within the site. This retains the important treed frontage to Lincoln Road and avoids intruding on views of the spire of St Marks Church viewed from the south.

Block A to the southern part of the site allows the retention of significant views of Thurston House, particularly from Church Walk. The real gain in this proposal is the retention of Thurston House and its presence in the streetscene. It is therefore considered that the proposed development would not cause unacceptable harm to the character and appearance of the Park conservation area.

c) The impact of the development on trees and ecology

Trees

The site is characterised by a line of mature trees that run along the southern boundary of the site, adjacent to the Craig Street car park. All trees on site are protected by their location within the Conservation Area. The eastern boundary of the site fronting on to Lincoln Road also has a tree lined character, however these trees are of more varying maturity, with the more important trees found at the site corners.

The majority of the trees on the southern boundary are category A and B trees. These are trees that have been designated as having a high to moderate value, and as a result are recommended for retention in all new developments, where possible. They comprise mature Chestnuts, Limes and Yews, some of which rise to 18m in height. The proposed development recognises the importance of this mature tree belt on the southern boundary and seeks to retain them as part of the new proposal. The Councils Landscape Officer advises that the retained trees along the southern boundary will cast considerable shade over nearly half the site and that pressure to prune these trees post-development will be inevitable. These concerns were also expressed by the Landscape Officer under the last application, however this application due to the re-siting of Block A, does bring the development closer to the retained trees on the southern boundary of the site.

This aspect, too, has to be weighed against any benefits that arise from the provision of the development here. Officers again consider that the public benefit arising from the development is sufficient to offset the pressure to prune these trees.

Ecology

The ecological assessment accompanying the application identified the need for a more detailed bat survey to be carried out. A second bat report was undertaken, dated September 2009, which updated the first dated July 2009, and addressed the initial concerns. The recommendations of both reports (other than 8.3 and 8.4 of the first report dated July 2009) should be secured by condition in the issue of any planning permission. The other recommendations of the submitted assessment were for the use of native species in the planting proposals, that there be no site clearance or hedge/tree removal within the bird nesting season, and the provision of bird, bat, insect and hedgehog boxes on site. These can be secured by the provision of planning conditions.

The recommendation that 'all mature trees be retained on site' cannot be complied with as the scheme does propose the felling of some mature trees on site.

d) The proposed design and layout

The design of Block A (to Lincoln Road) follows a traditional approach to reflect the Victorian character of the area such as use of the two storey canted bays, yellow stock bricks and eaves detailing similar to the late 19thC buildings. This is not fundamentally out of context with the Victorian character of the immediate locality.

However the revised elevation negotiated under the previous application is preferable and is currently being sought. Some other minor design changes are being sought and Members will be updated of this at Committee. The use of yellow stock bricks, contrasting red brick detailing and stone dressings is appropriate. Should permission be granted a condition is recommended to ensure that the design of the fenestration is appropriate within the Conservation Area.

The boundary to Lincoln Road has been revised to omit short plinth walls and pillars in place of railings throughout. This change is welcomed for the future health of the trees and to avoid an over dominant frontage appearance made by walls and piers.

e) The impact on neighbouring sites

The amended submission reduces the impact on St Mark's Church to the North of the site. It is not considered that the siting, layout and design of the residential dwellings would result in any harmful impact on the neighbouring residential properties.

f) Car parking

12 car parking spaces would be provided for the 9 dwellings on site, and 16 spaces for the 16 apartments. The Local Highway Authority advise that the parking levels are in accordance with PCC maximum standards. Cycle parking in accordance with policy will be secured by planning condition.

g) Housing

The development provides the required 30% affordable housing provision. The achievement of such accommodation, close to the City Centre, is a positive and is a real benefit arising out of the overall scheme.

h) S106 Planning obligation

The S106 contribution required for this development is in accordance with the Peterborough's Planning Obligations Implementation Scheme SPD £106,000 and £107,550 contribution towards public open space. 7 of the units on site will also provide the affordable housing provision for the site.

These requirements accord with both national and local policy and in your officer's opinion complies with the 5 tests and the principles set out in ODPM Circular 05/2005 (see Section 2 above) and the Tesco/Witney case in which the House of Lords held that the planning obligation must at least have a minimal connection with the development.

8 CONCLUSIONS

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan.

The retention and conversion of the main part of Thurston House has addressed previous reasons for refusal of permissions on this site. The density of development has been reduced, as has the massing and height of development by the deletion of Block B. The principal conflict remaining is the relationship of Block A with the adjacent trees and the shading and pressure for pruning that could result. This has to be weighed against the need for the development and the benefits that it will bring to the city.

Specifically:

- The provision of affordable housing which is required to help house the very large number of people on the housing waiting list in Peterborough which is over 9000.
- A high quality designed scheme that takes into account the attributes of the Conservation Area including Thurston House, the trees and surrounding architectural style.

Your officers have concluded that the balance tips in favour of the grant of permission, for both applications.

9 RECOMMENDATION

Subject to the prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990, the Head of Planning Transportation and Engineering Services be authorised to grant planning permission for 10/00502/FUL subject to the following conditions:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

C2 Prior to the commencement of development, or within other such period as may be agreed in writing with the Local Planning Authority, details of all materials (including window and doors) to be used in the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

C3 Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction. These facilities shall be in accordance with details which have been approved in writing by the Local Planning Authority.

Reason: In the interests of Highway safety, in accordance with Policy T19 of the Peterborough Local Plan (First Replacement).

- C4 The pedestrian visibility splays shown on plan 945/P/210 Rev P10 shall be provided prior to the occupation of the development and thereafter maintained free from any obstruction over a height of 600mm within the area of the splays**

Reason: In the interests of Highway safety, in accordance with Policy T19 of the Peterborough Local Plan (First Replacement).

- C5 The areas shown on plan 945/P/210 for the parking and turning of vehicles shall be provided prior to occupation of the dwellings and shall thereafter be used for other purpose other than the parking and turning of vehicles in connection with the dwellings.**

Reason: In the interests of Highway safety, in accordance with Policy T19 of the Peterborough Local Plan (First Replacement).

- C6 Notwithstanding the submitted information and prior to the commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, a Construction and Demolition Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include amongst other matters:**

- (a) A phasing scheme and schedule of the proposed works;**
- (b) Provisions to control construction noise and vibration emanating from the site;**
- (c) A scheme for the control of dust arising from building works and site works;**
- (d) A scheme of chassis and wheel cleaning for construction vehicles and cleaning of affected public highways;**
- (e) A scheme of working hours for construction and other site works**
- (f) A scheme for construction access; including details of haul routes to and across the site and associated health and safety protection measures and details of measures to ensure that all construction vehicles can enter the site immediately upon arrival; and**
- (g) The site compound (including site huts) and parking for contractors and other employee vehicles.**

The development shall be carried out in accordance with the approved construction management plan.

Reason: In the interests of highway safety and residential amenity in accordance with policies T1 and DA2 of the Peterborough Local Plan (First Replacement).

- C7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. Development shall be carried out in accordance with the approved details and shall be completed before first occupation.**

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policies DA2 and DA11 of the Peterborough Local Plan (First Replacement).

- C8 Prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority, details of the hard and soft landscaping works and other minor structures shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, unless otherwise agreed in writing with the Local Planning Authority, the following elements:-**

- i) arboricultural Method Statement**
- ii) planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, plant sizes and densities;**
- iii) measures to promote biodiversity in accordance with the Protected Species Survey dated July 2009. These measures should bird, bat, insect and hedgehog boxes/homes;**

The hard and soft landscaping work shall be undertaken in accordance with the approved details within 18 months of the commencement of development, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a good quality development in the interests of visual and residential amenity in accordance with policies DA2, LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

- C9 If within a period of 5 years from the date of the planting of any tree or shrub that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives written consent to any variation.**

Reason: To ensure that the successful establishment of the landscaping scheme, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).

- C10 In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 6 years from commencement of development.**

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work);

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority;

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

- C11 Development shall not begin until a scheme showing the provision and location of fire hydrants has been submitted to and approved in writing by the Local Planning Authority; no development shall take place otherwise than in accordance with the approved scheme.**

Reason: To ensure adequate provision of fire hydrants, in accordance with Policy U1 of the Adopted Peterborough Local Plan (First Replacement).

- C12 Details of lighting shall be submitted to and approved in writing by the Local Planning Authority before first occupation of the residential units. Development shall be carried out in accordance with the approved details.**

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policies DA11 and DA12 of the Peterborough Local Plan (First Replacement).

- C13 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, of a Method Statement detailing the remediation of this unsuspected contamination.**

Reason: To ensure that the development complies with approved details in the interests of the protection of human health and the environment.

- C14 Details of the surface water drainage system for the development (including storage facilities where necessary) shall be submitted to and approved in writing by the Local**

Planning Authority. The approved scheme shall be implemented before any part of the development hereby permitted is first occupied.

Reason: In order to protect and safeguard the amenity of the area and of the water environment, in accordance with Planning Policy Statement (PPS23 Planning and Pollution Control) and Policies U1, U2 and U9 of the Peterborough Local Plan (First Replacement).

If the S106 has not been completed within 3 months of the date of this resolution without good cause, the Head of Planning Services be authorised to refuse planning permission for the reason stated below:-

R1 A request has been made by the Local Planning Authority to secure a S106 contribution, no S106 Obligations have been completed and the proposal is therefore considered to be contrary to policy IMP1 of the Peterborough Local Plan (First Replacement).

2. The Head of Planning Services recommends that 10/01346/CON is application is APPROVED subject to the following conditions:

C1 Works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of the decision notice.

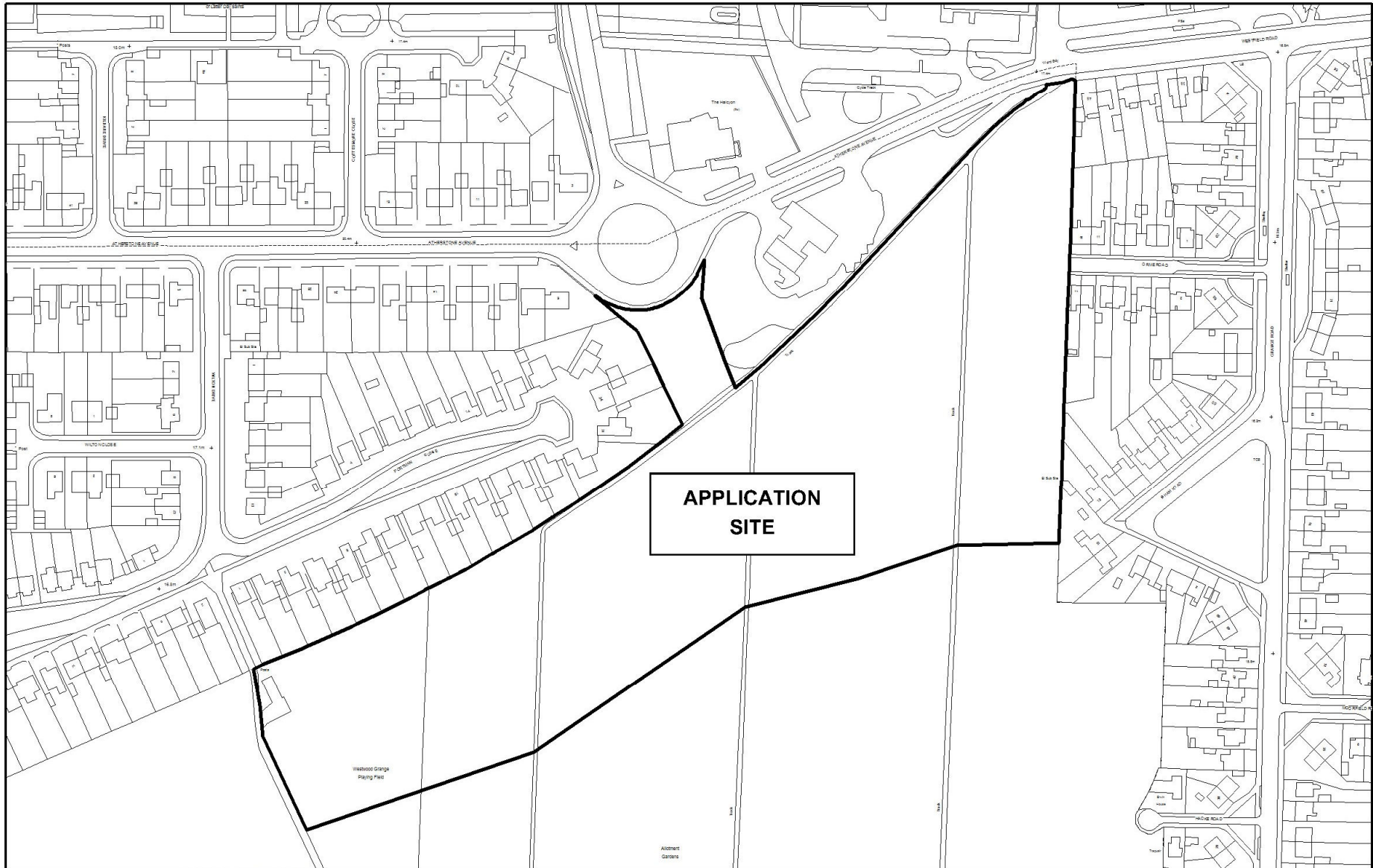
Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

C2 The demolition hereby approved shall not be commenced until such time as a contract for carrying out the works of residential redevelopment has been made and detailed planning permission granted for the development to which the contract relates.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

Copy to Councillors Hussain, Khan, Jamil

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LOCATION PLAN 10/00493/REM

Land Sth of Atherstone Ave & Portman Cl. West of Grange Road & Nth of Mayor's Walk

Scale 1:2500 Date 9/11/2010 Name MKB Department Planning Services

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10/00493/REM: APPLICATION FOR APPROVAL OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE OF CONSTRUCTION OF 150 DWELLINGS AT LAND SOUTH OF ATHERSTONE AVENUE AND PORTMAN CLOSE, WEST OF GRANGE ROAD AND NORTH OF MAYOR'S WALK (PART OF MAYOR'S WALK ALLOTMENTS), PETERBOROUGH.

VALID: 28 MAY 2010
 APPLICANT: MORRIS HOMES LTD
 REFERRED BY: CLLR S. DALTON
 REASON: DRAINAGE, HEIGHT OF DEVELOPMENT, ACCESS, AND BOUNDARY TREATMENTS
 DEPARTURE: NO

CASE OFFICER: AMANDA MCSHERRY
 TELEPHONE: 01733 454416
 E-MAIL: amanda.mcsherry@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The principle of residential development has already been approved via the grant of outline planning permission. The application seeks approval of the details associated with the construction of 150 dwellings.

The main considerations are:

- The proposed design and layout
- The impact on neighbouring sites
- The impact of the development on trees
- Drainage
- Highway Impacts and car parking

The Head of Planning, Transport and Engineering Services recommends that the application is APPROVED.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Relevant policies are listed below with the key policies highlighted.

The Peterborough Local Plan (First Replacement)

- DA1** New development should be compatible with or improve, its surroundings in respect of its relationship to nearby buildings and spaces.
- DA2** The density, layout, massing and height of new development must be able to be satisfactorily accommodated on the site, without adversely affecting the character of the area or any neighbouring sites.
- DA11 The vulnerability to crime in new development must be satisfactorily addressed in the design, location and layout of the proposal.
- T1 Development must provide a safe and convenient access to the site
- T10 Development should accord with the car parking standards

LNE9 New development must where reasonably practicable retain and protect the trees that make a positive contribution to the environment and make adequate provision for landscaping of the site.

Material Planning Considerations

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below, with the key areas highlighted:

PPS1 Delivering Sustainable Development, sets out the planning policies for the delivery of sustainable development.

PPS3 Housing, seeks to secure well designed, high quality housing.

PPG13 Transport, seeks to integrate planning and transport and promote more sustainable transport choices.

PPS25 Development and Flood Risk seeks to avoid inappropriate development in areas at risk of flooding.

3 DESCRIPTION OF PROPOSAL

Outline planning approval for up to 173 residential units on the site, was granted under planning reference 07/01946/OUT.

This is the associated reserved matters application, for the consideration of all of the reserved matters which includes, access, appearance, layout, scale and landscaping. The application was originally submitted to provide 156 dwellings, however due to amendments to the proposed layout, this has been now been reduced to 150 dwellings.

45 of the dwellings on site will provide the 30% on site affordable housing provision. 16 would be built to lifetime's homes standards, which is one more than the 10% required by planning policy.

A local area of play/green space is to be provide on the eastern boundary of the site.

The majority of the properties proposed on the site (125) are to be two storeys in height. 25 of the properties proposed are to be 2.5 and 3 storeys, this accounts for 17% of the total properties on site.

The access to the site would be from the existing Atherstone Avenue roundabout. A tree lined avenue type spine road would provide the main access across the site to the new residential units, but also provides access to the adjacent sports pitches (the existing vehicular access to the pitches is to be stopped up on provision of the new access).

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site covers an area of 4.41 hectares.

The site is located within an established residential area that comprises a mix of post war and modern residential dwellings. The character of the area is predominantly two storey dwellings with some small groups of single storey and three storey dwellings/flats within the immediate and surrounding area. The site itself is bound to the north west by bungalows some of which have accommodation in the roof space (Portman Close) and to the north east by a petrol filling station accessed off Atherstone Avenue, to the west by sports pitches (managed by Netherton Football Association and owned by PCC), to the south by Allotments and to the east by existing residential dwellings on Grange Road and Orme Road.

The loss of allotments was considered at the time of the outline planning application when they were deemed to be surplus to requirements and planning permission was granted. The loss of allotments is not therefore an issue that can be re-considered at the reserved matters application stage.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
07/01946/OUT	Residential development	04.01.2010	Approved

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Highways – No objection – conditions requested in respect of some details of the design and visibility.

Archaeology – No objection - Previous archaeological evaluation was undertaken on the site and the site was found to have limited archaeological potential. It is therefore very unlikely the development would pose a threat to highly important archaeological remains.

Wildlife Officer – No objection - Biodiversity should be incorporated into the proposal, via a condition.

Landscape/Tree Officer – Objects to the loss of a category A tree on the site. Requires the tree protection details and specific landscape plan.

Drainage Engineer – No objection - Accepts the infiltration drainage strategy proposed subject to a condition over its detailed design. Accepts the deletion of the swale drainage feature adjacent to the entrance road. (Note – the submission of drainage details is a condition on the outline planning permission.

EXTERNAL

Police Senior Architectural Liaison Officer – No objection - It is considered that the layout has considered crime prevention and on the whole complies with Policy DA11. Some comments are made in respect of lighting, and boundary treatments however it is considered that the issues raised can be dealt with by planning conditions.

Environment Agency – Comments awaited.

Anglian Water – No objection.

Natural England – No objection.

NEIGHBOURS

Letters of objection have been received from 19 local residents, a joint letter from residents of Portman Close and a petition with 500 signatures raising the following issues:

- Flooding, particularly due to differing land levels of the site and those surrounding it
- Drainage not adequate
- Overshadowing
- Overlooking and loss of privacy
- Development too close to adjacent properties in Portman Close
- Existing rear boundary fences - development prevents access to them resulting in problems of maintenance and loss of easement – developer should provide own boundary treatments
- Loss of important trees
- Increased traffic and associated congestion and safety problems
- Loss of allotments and important green space amenity area
- Shortage of allotments
- Overdevelopment of site
- Increased crime
- Affect on house prices (not a planning consideration)

- Will disturb peace and quiet
- Should be a maximum of 2 storey high properties
- Too close to cycle path at west
- West boundary should be open and not fenced
- Lack of green play space
- Affect on quality of life of existing residents
- Out of character with area
- Harmful to wildlife
- There should be no access from Orme Road
- Schools in area do not have capacity for the development
- Speeding problems in area
- Increased noise levels
- Building within 10m of boundary with neighbouring sites
- Football club might need to expand in future (not a planning consideration)
- Greenfield land
- Insufficient car parking provision
- Compensation from Council required if the site causes flooding to neighbouring sites
- Pedestrian crossing required at access to the site

COUNCILLORS

Cllr S Dalton raises concerns in respect of drainage, heights of properties, access to site and proposed boundary treatments.

Stewart Jackson MP requests the application be considered by the committee due to the size and scale of this development and the concerns expressed by residents over the last 3 years.

7 REASONING

a) Introduction

The approved outline planning application 07/01946/OUT established the principle of residential development on the site, and that it could accommodate 173 residential units. It also established that the loss of the green space and allotments was acceptable. Therefore, loss of green space and allotments are issues that have already been approved and are not issues that can be considered under a reserved matters application.

b) The proposed design and layout

The outline planning application's indicative layout of 173 units was reliant on a large proportion of the site being apartments. The developer did not feel that a high proportion of apartments on the site would suitably respond to site features, location, current market conditions and local needs and so now proposes a layout consisting of 150, mainly detached, semi detached and terrace style 2,3 and 4 bedroom properties.

The development has a tree lined Boulevard which creates a pleasant streetscene entrance environment. Traffic within the development is calmed by the introduction of right angled bends and limited straight road lengths. Focal buildings have been provided where possible, and the use of corner turned buildings and double fronted buildings where prominent in the streetscene, has improved the visual appearance of the streets by limiting the amount of inactive frontages. The scheme has been designed to be outwardly looking where possible with houses looking on to the open space around the petrol station to the north and the open space to the west. This provides natural surveillance to these open space areas and a better outlook both from and to the houses.

25 of the 150 units are to be 2.5 and 3 storey high properties. These are been positioned adjacent to the existing and proposed open space areas to afford a pleasant outlook for residents and to increase the natural surveillance of these spaces. They are positioned in only four locations throughout the

development and are considered would add visual interest and so would compliment rather than harm the visual character of the site or surrounding area. See Section c) of this report for more details.

The design and layout of the site has undergone a number of amendments through the course of the application. The main changes have been a reduction in the total number of units from 156 to 150 units, the introduction of a play area on the eastern side of the site, the deletion of the large rear parking court areas on the north and south boundaries, and alterations of the properties at the entrance to the site to reduce the height and mass of development. It is considered that these changes have improved the design of the scheme and as a result would create a higher quality public realm. All of these changes have been the subject of public consultation.

The character of properties in the surrounding vicinity of the site is a mixture of ages, styles and heights. Therefore it is considered that this proposed development would add to rather than detract from the surrounding character of development. It is considered therefore that the proposed development would be in accordance with Policies DA1 and DA2 of the Local Plan.

c) The impact on neighbouring sites

The application site bounds existing residential development on two of its sides. The rear boundaries of the properties in Portman Close and Isham Road and the side boundaries of the properties on Orme Road and Westfield Road back on to the site.

The existing properties that bound the site on Westfield Road, Orme Road and Isham Road are all two storey properties. However the properties in Portman Close are 2, 1.5, and 1 storey properties.

The outline planning application indicative layout indicated that the development would be accommodated in 2, 3, 4, and 5 storeys high units of residential accommodation. Concerns in respect of the potential impact on neighbouring residents and impact on the character of the area resulted in a planning condition being imposed which restricted the maximum height of development to 3 storeys.

This application proposes 2, 2.5, and 3 storey residential properties. The majority of the properties proposed on site are 2 storey, 125 of the 150 units. The layout has been designed so that it would be the 2 storey properties that are positioned adjacent to existing residential sites. The only exception to this is the north east corner of the site, where plots 102-108 are 2.5 storey however it is not considered any unacceptable harmful impact would result on existing residents, due to the large separation distance and angled relationship between them. The window to window distance between plot 102 and 15 Orme Road is approximately 39m. The windows of plot 108 are set back 10m from the side boundary fence of No.48 Westfield Road and look on to the property's rear garden area at an angle which is considered to be acceptable.

It is considered that the relationship between the new properties on the eastern boundary and the existing properties is acceptable and that no unacceptable impact would result.

The properties in Portman Close rear gardens bound the application site. These properties are mainly 1.5 storeys, however there are some 1 storey and 2 storey properties. The development proposes 2 storey properties along this boundary with their rear gardens bounding on the existing neighbouring rear gardens. With the exception of two plots 38 and 17, where it is proposed that the new houses would be positioned with their side elevations facing the neighbouring sites, and so their side blank gables would be positioned within 2 and 3m of the rear boundary fences. The development would reduce the currently privacy levels of residents in Portman Close, as currently there is no housing development behind them. The properties on Portman Close by today's standards have fairly generous long rear gardens. This together with the separation distances proposed on the application site is considered on balance to result in an acceptable relationship in terms of overlooking and privacy between the sites. The back to back first floor window to window distances between the existing and proposed dwellings are in the range of approximately 25m to 35m. No unacceptable overshadowing is considered would result for the properties in Portman Close.

It is therefore considered that whilst this development would have an impact on existing surrounding residents that this impact could not be considered so harmful as to warrant refusal of the planning application.

d) The impact of the development on trees

A tree survey, arboricultural impact assessment and method statement has been submitted in support of the proposal. This identifies that the proposed development would result in the loss of 8 trees on site. 4 are in a poor condition and so replacement planting is recommended, and this is considered to be acceptable. 1 of the trees to be lost is within a group of trees and so the overall amenity of the tree group would remain broadly unaffected by this loss, and so again replacement planting in place of its loss would be considered to be acceptable.

The layout proposed would also result in the loss of two category B trees, one in reasonable the other good condition. The Landscape Officer does not raise objection to their loss and the arboricultural report considers the visual amenity could be replaced within a reasonable timescale through replacement planting.

The layout however also results in the loss of a Silver Maple category A tree, this is a tree of high quality and amenity, which offers valuable amenity to an area. The Landscape Officer objects to its loss and considers the layout should be re-considered to try and retain it. The arboricultural report identifies the trees quality and importance, but considers the tree has potential to become quite large which makes it difficult to incorporate into a residential layout.

New planting is proposed as part of the proposed development, particularly by the creation of a new tree lined boulevard entrance feature on the access road of the site, and on the new on site play area.

The loss of the category A tree is regrettable, however on balance it is considered the provision of housing, including affordable housing, outweighs the amenity benefits of retaining this tree. Therefore subject to suitable replacement planting, Planning Officers consider the tree loss to be acceptable.

e) Drainage

The site falls within Floodzone 1 in accordance with the Environment Agency records, which means there is low probability of river and sea flooding, and so is a zone where all land uses would be appropriate. As this site is greater than one hectare the flood risk assessment (FRA) submitted with the application needs to consider the vulnerability to flooding from other sources as well as from river and sea flooding, and the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run off.

The FRA concludes that : a) the site is not affected by flooding from any nearby watercourses or surface water sewers, and b) it is also very unlikely that the site would be affected by groundwater flooding.

Soakaway tests have been undertaken which show that infiltration techniques for the disposal of surface water from the development should be viable. It is therefore proposed that the site will be drained for surface water using source control infiltration techniques.

Use cannot be made of the surface water sewer system as Anglian Water have stated that the only available surface water outfall is to the existing sewer in Mayors Walk. This is some distance from the site and the maximum flow rate is 5 litres per second. Due to the high attenuation volumes that would be generated if the site were to discharge to this point, and also the associated site raising required due to minimum pipe gradients, this option was discounted.

It is therefore proposed that different types of infiltration techniques are used for a range of area of the site, which will ensure that surface water run-off is controlled as far as possible at source with no additional impact on surrounding infrastructure. The infiltration techniques proposed include permeable paving in private drives and parking court areas, and cellular infiltration structures under the Local Area of Play on site and on Council land adjacent to the site. Subject to the detailed designs of these

drainage measures which are to be secured by means of a planning condition, the Drainage Engineer raises no objection to the proposal.

f) Highway Impacts and car parking

The principle of access being gained from the roundabout on Atherstone Avenue has already been established via the Transport Assessment (TA) submitted with the approved outline planning permission that was for 177 dwellings. The current application is supported by a Transport Assessment update, based on 156 dwellings, to review whether the conclusions reached under the original transport assessment would change as a result of this latest development.

The Local Highway accepts the findings of the TA, which concludes that the highway network surrounding the site can accommodate traffic generated by the development without adverse impact on highway capacity or safety. They consider the single vehicle access to the site from the fourth arm from Atherstone Avenue/Gresley Way roundabout would achieve satisfactory vehicular access to the site.

The site is accessible by sustainable travel modes such as public transport, walking and cycling. The scale and nature of the development proposed are such that no significant or adverse impacts on the use of the pedestrian, cyclist or public transport networks, infrastructure or services are likely to occur in the surrounding area.

The concerns of residents in respect of traffic congestion have been considered, however in this instance the findings of the Traffic Assessment and the opinion of Highway Officers is that the highway network can safely accommodate the additional traffic generated of this development.

The car parking provision for the development proposed is considered to be acceptable, in accordance with Policy T10 of the Local Plan.

g) Miscellaneous

The following concerns were also raised by residents:-

- Existing rear boundary fences – It is Morris Homes' intention to erect new boundary fencing adjacent to the existing boundary treatments of neighbouring properties. PCC as landowner has investigated whether adjacent properties have a right of easement, and concluded that they do not. However this is a legal issue outside the remit of planning. Access for maintenance of any boundary treatments, again is a legal issue that will need to be agreed between residents and the developer Morris Homes.
- Increased crime – There is no evidence to support that fact that new residential developments would adversely increase crime levels in an area, and the Police do not raise any objections to the proposal.
- Will disturb peace and quiet – The outline planning permission previously granted, accepted the compatibility of new residential development on the site, adjacent to the existing residential development and open space areas. The details of this application do not change this, and so it is not considered that the development would unacceptably impact upon the peace and quiet of existing residents.
- Harmful to wildlife – The requirement for an ecological strategy was conditioned on the outline planning application. In addition to this the Wildlife Officer raises no objections to this proposal subject to ecological enhancements secured by means of a planning condition.
- There should be no access from Orme Road – No access is proposed from Orme Road
- Schools in the area do not have capacity for development – A financial contribution towards education provision was secured by a S106 planning obligation under the outline application to meet the educational needs of the development.
- Increased noise levels – The noise levels associated with new housing developments is considered to be compatible with the noise levels of existing residential developments.
- Pedestrian crossing required at access to the site – A pedestrian refuge is proposed in the middle of the Boulevard at the access to the site to facilitate pedestrian crossing. This is acceptable to the Highway Engineers and in accordance with the road safety audit that has been undertaken.

8 CONCLUSIONS

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

- The amendments to the layout and design of the development have enhanced the visual appearance of the scheme and provided a better quality public realm and environment for residents. This is in accordance with Policies DA1 and DA2 of the Peterborough Local Plan (First Replacement) 2005.
- Whilst there would be an impact on the current privacy and amenity enjoyed by neighbouring sites, on balance it is not considered to be so harmful as to warrant refusal of the planning application. It is therefore considered the development is in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement) 2005.
- The development would result in the loss of one high quality category A tree. This loss has to be balanced against the need to provide housing and affordable housing. Therefore subject to suitable replacement planting, to compensate for its loss, it is considered in this instance to be acceptable.
- It has been demonstrated that surface water drainage can be provided using modern/innovative infiltration techniques.
- A safe and convenient vehicle access to the site would be provided and the highway network could accommodate the traffic generated by the development without any adverse impact on highway capacity or road safety. This is in accordance with Policy T1 of the Peterborough Local Plan (First Replacement) 2005.

9 RECOMMENDATION

The Head of Planning Services recommends that this application is APPROVED subject to the following conditions:

- C1 Prior to the commencement of development, or within other such period as may be agreed in writing with the Local Planning Authority, details of all materials to be used in the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**
Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C2 The roads and footways that serve any occupied dwelling shall be made up to the final/Wearing course level within 18 months of that dwelling first being occupied or in any case within 24 months of the development commencing or by an alternative date to be approved by the Local Planning Authority.**
Reason:
- C3 The areas of open space and the equipped play areas shall be completed as approved and available for use within 24 months of the commencement of development or by an alternative timescale to be approved by the Local Planning Authority.**
Reason:
- C4 Prior to the commencement of the development hereby approved details of the access works to the roundabout on Atherston Avenue including a Stage 2 Safety Audit shall be submitted to and approved by the Local Planning Authority. The access junction shall be constructed in accordance with the approved plans prior to the occupation of any of the dwellings.**
Reason: In the interests of highway safety in accordance with Policy T1 of the adopted Peterborough Local Plan (First Replacement) 2005.
- C5 Prior to the commencement of the development hereby approved plans showing pedestrian visibility splays of 2.0m x 2.0m at the junction of shared access with the**

'adoptable' roads and 1.5m x 1.5m visibility splays at the junction of single accesses with the 'adoptable' roads shall be submitted to and approved by the Local Planning Authority. The splays shall be provided before occupation of the dwellings and shall be kept free of obstructions over a height of 600mm.

Reason: In the interests of highway safety in accordance with Policy T1 of the adopted Peterborough Local Plan (First Replacement) 2005.

C6 Prior to the commencement of the development hereby approved plans showing vehicle visibility splays of 2.4m x 33m at the junction of all shared accesses with the 'adoptable' roads and all 'adoptable' road junctions within the site shall be submitted to and approved by the Local Planning Authority. The splays shall be provided before occupation of the dwellings and shall be kept free of obstructions over a height of 600mm.

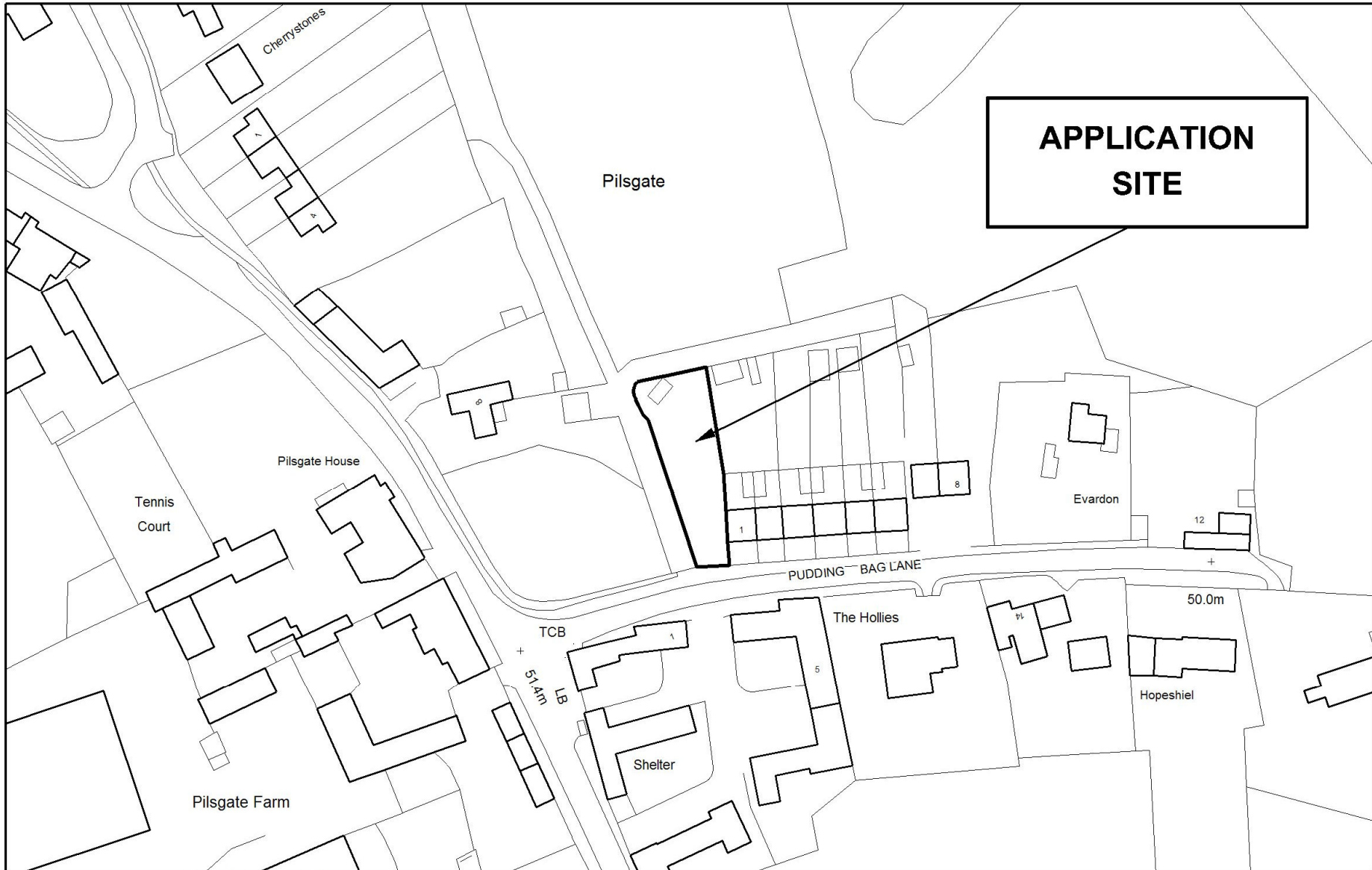
Reason: In the interests of highway safety in accordance with Policy T1 of the adopted Peterborough Local Plan (First Replacement) 2005.

C7 Prior to the commencement of the development hereby approved, plans showing all private shared access with minimum widths of 5m shall be submitted to and approved by the Local Planning Authority. The accesses shall be constructed in accordance with the approved plans.

Reason: In the interests of highway safety in accordance with Policy T1 of the adopted Peterborough Local Plan (First Replacement) 2005.

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LOCATION PLAN 10/01028/R3FUL

Land Adjacent to 1 Pudding Bag Lane, Pilsgate, Stamford

Scale 1:1250 Date 9/11/2010 Name MKB Department Planning Services

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PCC GIS



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10/01028/R3FUL: CONSTRUCTION OF FOUR-BED DWELLING AND DETACHED GARAGE ON LAND ADJACENT TO 1 PUDDING BAG LANE PILSGATE STAMFORD

APPLICANT: PETERBOROUGH CITY COUNCIL
 AGENT: STATE OF DESIGN LTD
 REFERRED BY: BARNACK PARISH COUNCIL
 REASON: DESIGN, AMENITY, ACCESS
 DEPARTURE: NO

CASE OFFICER: JIM DALEY
 TELEPHONE: 01733 453522
 E-MAIL: jim.daley@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The proposal is to construct a 4 bedroom house and detached garage on vacant land adjacent to no. 1 Pudding Bag Lane, Pilsgate.

The main considerations are:

- Amenity, overlooking and overshadowing of the adjacent property
- Character of area
- Design/scale
- Loss of trees

The Head of Planning, Transport and Engineering Services recommends that the application is approved subject to conditions and prior completion of a Section 106 obligation relating to a financial contribution to comply with the Council's Planning Obligation Implementation Scheme SPD.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Peterborough Local Plan (First replacement)

Relevant policies are listed below. The most relevant policies are highlighted in bold for easy reference.

- | | |
|------|--|
| DA1 | Development shall be compatible with its surroundings create or reinforce a sense of place and not create an adverse visual impact. |
| DA2 | Development shall be satisfactorily accommodated on the site, not have an adverse affect on the character of the area and have no adverse impact on the amenities of occupiers of nearby properties. |
| H12 | Infill Settlement |
| H15 | Development to be carried out at highest net residential density |
| H16 | Residential density |
| LT20 | Car Parking Standards |
| CBE3 | The City Council will require all proposals for development which would affect a conservation area (whether the site of the development is inside or outside the boundary) to preserve or enhance the character or appearance of that area. |
| T1 | New development should provide safe and convenient access for all user groups and not unacceptably impact on the transportation network. |
| T9 | Cycle parking requirements. |

- T8** **Permission will only be granted for a development if vehicular access is on to a highway whose design and function is appropriate for the level and type of vehicular traffic likely to be generated by the proposed development.**
- T10** Car parking provision to be in accordance with maximum car parking standard
- IMP1** **Development shall secure for all additional infrastructure, services, community facilities and environmental protection measures which are necessary as a direct consequence of the development**

Planning Policy Statement 3 – Housing. This requires Local Planning Authorities to make best use of land for new residential development and that it is well integrated with and complements the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.

Planning Policy Statement 7: The Countryside, Environmental Quality and Economic and Social Development seeks to integrate development necessary to sustain economic and social activity in rural communities whilst protecting the character of the countryside. It indicates that new development should be sensitively related to existing settlement patterns and to historic, wildlife and landscape resources.

Planning Policy Statement 5 – Planning for the Historic Environment seeks to protect the character and appearance historic areas and buildings.

Material Planning Considerations

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below, with the key areas highlighted:

Circular 05/2005 states the following principles:

The use of planning obligations must be governed by the fundamental principle that **planning permission may not be bought or sold**. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.

Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development.

Village Design Statement Implications: The Barnack and Pilsgate VDS makes the following relevant comments:

- careful attention should be paid to the layout of new developments to reflect the character of the villages;
- new buildings and extensions should be traditional in form and appropriate in size and proportion to the available space;
- it is important that spacing and density of any new property is such that it does not appear out of place in relation to existing development nearby;
- new properties should not overlook or dominate existing dwellings thus infringing their private amenity;
- new houses should not abut on to older properties, thus diminishing the visual aspect of the line of ancient properties;
- attention should be given to roof slopes, gable ends and house frontages, so that they match or blend with surrounding properties;
- Care should be taken to ensure that original buildings and building features are integrated into new homes and should not be destroyed, so that the character of these rural villages remains.
- building materials should blend with surrounding properties.
- roof lights should not be installed on the street or road side of properties and if they are being considered attention must be paid to the size, shape and design to give minimum visual impact.
- old or modern replacement Collyweston slates, blue Welsh slates or pantiles should be used to match the existing or surrounding roof styles; chimneys should be retained and repaired in their original form when alterations take place in preference to being shortened or removed;

- Chimneys should be included in the design of new houses to match those already in existence in nearby properties;
- old stone walls should be preserved and repaired with natural stone and should not be demolished;
- modern style panel or close boarded wooden fencing is not appropriate on road frontages;

The VDS no longer forms part of the Development Plan for the area so only very limited weight can be given to it in deciding this application.

3 DESCRIPTION OF PROPOSAL

Construction of a four bedroom house with three bedrooms on the first floor and one bedroom in the attic, and a tandem double garage at the bottom of the garden. The house is a skewed L shape, with frontages to both Pudding Bag Lane and the access track that serves a number of nearby houses.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site is an irregular shaped parcel of land at the end of a terraced row of simple and undistinguished two storey houses. To the side and rear is an access to other houses and fields, which also provides access to the proposed garage. At the front of the site is a walnut tree. There is a stone front boundary wall which links the site with the adjacent housing.

The site adjoins the Pilsgate conservation area and forms one side of an informal 'square' in the centre of the hamlet of Pilsgate. The 'square' is a field paddock with boundary treatments approx 1.5m high to the north, east and south. Chapel Orchard forms the western boundary. The eastern side of this square is currently open, being constrained only by the gable of 1 Pudding Bag Lane and the walnut tree on the application site.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
10/00198/R3FUL	Erection of a four bed dwelling	08.06.2010	REF

An application for the construction of a 4 bedroom house and detached garage was refused at Planning & Environmental Protection Committee meeting on 8th June 2010 for the following reason: -

R1 The proposal occupies a corner site adjacent to a row of relatively modern terraced properties and both are sited adjacent to the Pilsgate conservation area. The scale and form of the proposed dwelling is such that it over dominates the adjacent properties excessively to the extent that the dwelling will be visually out of context with the surrounding development, the setting in the street scene and when viewed from the conservation area. The proposal is therefore contrary to Adopted Local Plan Policies CBE3 and DA2 (Peterborough Local Plan, First Replacement, Adopted 2005)

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Archaeology – The proposed development site is likely to retain archaeological remains associated with the historic core of the settlement. Suitable archaeological mitigations should be attained through the application of a standard Planning Policy Statement 5 (PPS5) condition.

Highways – No objection. Condition and informative requested.

Private Sector Housing – Has no objection subject to comments on the layout.

Conservation Officer – The proposed scheme is an improvement on the earlier refused scheme. Supports the application with conditions dealing with materials, external finish and landscaping.

Tree / Landscape Officer – No objection to the loss of the walnut tree. Recommends use of a condition to provide a replacement.

EXTERNAL

Barnack Parish Council - Objects for the following reasons:

- a) The plans have not been changed significantly since the last application. All the Parish Councils comments on the last submission still apply: -
- The design of the new house should be influenced by the adjacent ex-council houses and should be a smaller three bedroomed cottage style design.
 - The proposed house is too large and will completely overwhelm the existing row of houses next to it. It is also too large a house for the width of this plot. The huge end gable will dominate the entrance to Pudding Bag Lane on entry from the B1443
 - The front gable and roof height of the front elevation are too high and should be lowered to be the same height as the roof of the adjacent houses. The front gable should not protrude in front of the building line of the adjacent houses. The front of the house should be on the same building line to match the houses alongside.
 - The stone wall and wooden fence along the track are totally alien to the environment and are too high to match the stone wall of Chapel Orchard field on the opposite side of the track. If a wall or fence is required it should be no higher than the field wall, the other garden fences of the adjacent houses and the wall running along Pudding Bag Lane in the front of the row of houses next to it. A high fence will cut this property off and it will appear as a suburban dwelling rather than a village house. No new boundary wall or fence should be higher than 1 metre within the conservation area.
 - The windows facing on to Chapel Field are too large for a village environment and are totally alien to the other houses in Pudding Bag Lane. They will also overlook the garden of Chapel Orchard thus destroying its privacy.
 - The size of the chimneys are too large and will dominate the entrance from the B1443. One chimney pot on each chimney at each end of the property would be acceptable but not more, thus the chimney construction could be smaller matching those of the row of adjacent houses.
 - Pilsgate House on which this house has been modelled is the 'manor house' of the hamlet and is therefore the biggest house in the whole community. It should not be used as a model. The original cottages should have been used as a model which would be suitable to the width of this plot and would fit into the environment more comfortably. This proposed house will stand out and will not match the surrounding house or fit into its environment in any way.
 - The entrance to the garages is over a private field track. More vehicles using this track will cause disrepair thus inconveniencing the present users especially in the winter when the track gets very muddy. Barnack Parish Council would object strongly to this track having a tarred road surface.
 - A tandem garage suggests parking for three vehicles, which would prejudice the access of Chapel Orchard garage. A house of the proposed size with four bedrooms would generate at least four cars. There are insufficient parking spaces alongside the front of the house to accommodate vehicles without blocking access to The Old Stackyard and without blocking Pudding Bag Lane or using the parking outside other

houses. This is a further reason as to why a four bedroom house in this position would be totally unsuitable.

- The conclusion states that a family would benefit greatly from the Primary School, but it is not guaranteed that the school would be used as there are several private/direct grant schools available in the area. The family living in this house would be more likely to use the village school if it were a smaller design with a maximum of three bedrooms
- The property would not be comparable in size, scale and materials or proportion of those alongside it on Pudding Bag Lane.
- Barnack Parish Council request that a share of the 106 payment for this house be used for the benefit of the village, as a contribution towards the pre school replacement building and traffic calming for the B1443 running through Pilsgate.

Other comments (not previously made):-

- b) Design too large, not commensurate with (adjacent) houses. Very narrow frontage...size (of house) totally out of proportion in size and height...will dominate whole area and obliterate view of Pudding Bag Lane from B1443.
- c) Design should be more in keeping with domestic scale of surrounding properties.
- d) No room for scaffolding during construction and maintenance of no. 1 Pudding Bag Lane – blocking access to no. 1 and severely constrict the width of the (communal) access track.
- e) Access tracks to west and rear of site are private...construction vehicles and materials (in Pudding Bag Lane) will lead to congestion.
- f) Health and safety issues arising from close proximity of electricity transformer and wires across site.
- g) Stone should be used for whole development, with replica Collyweston slate and lead flashing, cast iron (rainwater goods) and wooden windows and doors.
- h) Reduced residential amenity for residents of no. 1 Pudding Bag Lane.

NEIGHBOURS

Letters of objection have been received from 17 local residents raising the following issues:

- a) Despite modifications the proposed four-bed dwelling is totally inappropriate for this small and odd shaped plot of land adjacent to the conservation area of the village.
- b) Building will dominate surrounding properties and street scene. Higher ridge height inappropriate in this rural location
- c) Loss of garden to No 1 Pudding Bag Lane – the site has been maintained and used as garden for many years. Loss of walnut tree.
- d) Loss of light and view to Nos. 1 and 2 Pudding Bag Lane
- e) Building style inappropriate not sympathetic to the adjacent houses.
- f) Overlooking/loss of privacy – failure to comply with policy H16.
- g) The proposal is not of the high quality expected in the village.
- h) Devaluation of no. 1 and 2 Pudding Bag Lane.
- i) Insufficient gap between building and no. 1 Pudding Bag Lane
- j) Ownership boundary concerns.
- k) Light pollution to neighbouring properties.
- l) Over development of the site.
- m) Problems for existing users of the access track during and after construction
- n) Need to provide continued access for agricultural equipment.
- o) Development on garden land should be rejected
- p) Loss of amenity for residents and vehicle congestion during building works.

a) Introduction

This application is subsequent to a refusal (determined at Planning Committee 8.6.2010) to use an area of land that was not sold as garden when 1 Pudding Bag Lane was sold and has remained in Council ownership. This application is for a 4 bedroom house and detached garage on that land.

b) Policy issues

The site is within the Village Envelope for Pilsgate where the principle of residential use is acceptable and adjoins the Conservation Area. The controlling policies are DA1, DA2 and T1. Pilsgate is an 'Infill Settlement' (Policy H12) and development is limited to infill of no more than two dwellings on an undeveloped plot in a built up frontage.

c) Design/Scale

The Design and Access statement shows that this design has emerged from a design process that began with the constraints of the site, including the walnut tree, the character of the area and subsequent revisions following a refusal of planning permission.

Following the refusal of planning permission the building has been revised in the following areas:-

- The gable to Pudding Bag Lane has been omitted.
- The front elevation follows the building line to Pudding Bag Lane.
- The eaves height (front) is now continuous at 5.9m (600mm higher than no. 1)
- The principle ridge height is continuous at 8.2m (600-700mm higher than no. 1) and omits a previous 'step' level change.
- Reduction in window proportion and simplification of detailing
- Reduction in height and detail of chimney
- Use of stone to whole building (omitting brick to rear extension)
- 1m high stone wall and hedge replacing timber fence to boundary with access road
- Amended plans have been received showing a garage measuring 11m long (previously 10.350 m long) to accord with Highway officer comments.

The revised design has omitted the previous gable to Pudding Bag Lane. The building line is continuous with the terrace. The proposed building retains the same footprint as the previously submitted scheme. The revisions reduce slightly the accommodation in the roof space. The accommodation at ground and first floor is unaltered.

The loss of the walnut tree is regrettable as it provides a foil to the gable end of the terrace and is clearly visible as one enters Pudding Bag Lane. However, the retention of the tree is not justified due to its condition and therefore it could be removed by the applicant at any time, although a replacement is proposed.

Pilsgate is a small hamlet. A key character of the immediate area is the open 'square' formed by the walled field and adjacent buildings. Buildings forming the edge to the 'square' on the south, west and north are stone built with vernacular detailing. Buildings in the area are variable in height and variation in architectural style contributes to the character of Pilsgate.

New infill development within existing settlements will always have a significant impact on the character of the area and on neighbouring properties. However new buildings do not have to be pastiche or attempt to mimic historic style. A high quality contemporary design relevant to context can often be appropriate and successfully relate well with the surroundings and preserve the character of the area.

The proposed house is of higher status than the adjoining (20th Century) terraced houses. In many planned settlements, the end property is of higher status and in most villages focal points have higher status properties. In this case, the site is at the entrance to Pudding Bag Lane and is at a focal point; the entrance to Pudding Bag Lane is currently very low key with the existing terrace and converted farm buildings dominating views. This proposal could have continued the style and character of the terrace causing no harm to the setting or the conservation area.

However, the applicant's contextual analysis has identified that the dominant character of this area is stone buildings with Collyweston slate roofs. The terraced housing to the east of the application site is the exception and in view of its relationship with the square does not form a significant part of its character. The applicant has taken design principles from the nearby 'Pilsgate House' which is a very high status stone building with rich detailing and which forms a part of the west side of the 'square'. It would be inappropriate to create a competing building and the proposed dwelling is both smaller, less richly detailed and clearly of a modern design flavour. However, by using the characteristics and proportions of Pilsgate House, the proposed building has a sense of place and belonging that the existing terrace lacks, and provides both an interesting focal point in place of the existing gable and tree and a balance to Pilsgate House at the opposite corner of the square. The building will strengthen the visual enclosure to the 'square'. The proposed materials are natural stone and replica Collyweston slate which reflect the building material to the core of the hamlet. It is therefore considered that the design of the proposed house is a contemporary interpretation reflecting the traditional form, proportions, style and materials of existing buildings.

The Parish Council has concerns about the scale of the property. The eaves height of the building is some 600mm higher than the adjacent terrace and the ridge height is 650mm higher than the terrace. The additional height will give the building authority, presence and room in the attic for an additional bedroom. The scale of the dwelling is slightly greater than existing properties, but it now has a simpler fenestration and detailing and is considered not to be unacceptably overpowering. It is considered that no harm will arise to the rhythm of the street or to the amenity of the area.

The scale is emphasised by the large and unbalanced chimneys on the elevation facing the square. This slightly unsettling feature, together with different eaves levels at front and rear makes the building more appropriate in this village setting where regular and symmetrical architecture is a modern characteristic.

The size of the house is considerable and at the very limit of the capacity of the site. and it is considered to be the maximum acceptable size for the plot. The roof accommodation is lit by roof lights on the northern face, which will not be generally visible and allows the building to maintain the illusion of two storey accommodation.

Areas in which the design is less successful are the two ground floor windows immediately adjacent to the shared vehicular access, given the volume of traffic which uses this access the level of amenity for occupants will be reduced, but the loss of the windows would harm the balance of the building and the level of amenity will nevertheless be acceptable. Overall, window detailing to the gable provides architectural interest and an active elevation.

The stone front boundary wall is identified as a protected frontage in the local plan and will be retained as part of this scheme. The proposed stone wall along the southern boundary with hedge planting is appropriate.

The building is recognisably distinct. Overall, it is considered that its contemporary feel complements the local identity and reflects the incremental growth of Pilsgate. Its building style adds to the variety of building forms and types in Pilsgate, a characteristic of traditional villages character. The building complements the street pattern by continuing the form and design of vernacular buildings in an appropriate contemporary context and reinforces the spatial character and enclosure of the 'square'.

d) Amenity/Overlooking/Overshadowing

The neighbour most closely affected would be No. 1 Pudding Bag Lane to the east. The end terrace house has 2 windows directly overlooking the application site. The proposed house will be built approximately 1.4m from these windows. Inevitably this will result in significant loss of light. However, the windows affected are small, serving the stairs, and will result in an acceptable small loss of amenity for the occupant.

At the rear of no. 1, there is a small yard measuring approximately 8m x 5m (40 sq m) which links to the rear access by a triangular parcel of land 23m long and 5m (max) wide (57 sq m); the area of garden therefore meets the normal minimum garden size, but it is to the north of the house and is not convenient. This application does not propose to reduce the area of garden to 1 Pudding Bag Lane, but due to the relationship with the property, it will inevitably feel somewhat overshadowed, although the actual loss of sunlight is considered to be small. The rear first floor windows of the proposed house could result in some overlooking of the garden of no. 1 and to a lesser extent no. 2, but as they serve only a hall and landing they can all be obscure glazed and secured by condition. A further condition removing permitted development rights to insert windows into the roof slope or north-east elevation at first floor level would further protect privacy.

Although several neighbours have commented on loss of privacy and are concerned about overlooking, their concerns relate to overlooking from side windows across the square at distances of approximately 40m, which is twice the normal minimum distance and is therefore acceptable.

Concerns regarding the electricity pole are not matters for this decision. There is no proposal to move the pole and in the event that it needs to be moved an application under different legislation will be required, when any impact on amenity can be considered. It would be normal practice to remove overhead line clutter, so it is likely that any such application would improve the appearance of the Conservation Area.

The removal of gardens from the definition of brownfield development does not impact on an individual planning application. In principle a garden can be developed, and it remains possible to refuse applications for development on existing gardens where proposals are unacceptable.

e) **Access**

The access drive at the side of the proposed dwelling serves about 15 houses and is access to fields for agricultural machinery. The additional traffic for this dwelling will not result in any significant increase in wear and tear or congestion. The drive is in the ownership of the Council. Plans are submitted showing the garage accommodating 2 cars, which matches the Council's standards. There are no Highway objections to the proposal.

f) **Section 106 Obligation**

The applicant has offered a Unilateral Undertaking to make a contribution under POIS to the value of £6,000 (plus monitoring fee) in line with Council Policy.

8 CONCLUSIONS/REASONS FOR RECOMMENDATION

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in light of all material considerations, including weighting against relevant policies of the development plan and specifically:-

- the proposed building will complement the character and design of the buildings surrounding the core of the conservation area;
- provide acceptable access and parking;
- provide a contribution under the Council's POIS;
- a suitable level of amenity can be provided for residents;
- a dwelling can be accommodated without unacceptable detrimental impact on the amenities of occupiers of neighbouring dwellings;
- the site is within the settlement boundary;
- the proposal is therefore in accordance with Policies DA1, DA2, CBE3, H12, T1, DA2, DA6 and IMP1 of the Peterborough Local Plan 2005 (First Replacement).

9 RECOMMENDATION

The Head of Planning, Transport and Engineering Services recommends that this application is APPROVED subject to the following conditions and the prior completion of a Unilateral Undertaking for a financial contribution to comply with POIS:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C2 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**
Reason: In the interests of visual amenity. This accords with Policies DA1 and DA3 of the Peterborough Local Plan (First Replacement).
- C3 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no garage, carport or domestic enlargement to the dwelling shall be constructed other than as those expressly authorised by this permission.**
Reason: In the interests of visual and residential amenity. This accords with policy DA2 of the Adopted Peterborough Local Plan (First replacement).
- C4 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no windows shall be inserted into the roof slope or north-east elevation at first floor level.**
Reason: In order to ensure that the Local Planning Authority can protect the amenity of the adjoining occupiers or the visual amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C5 Surface water disposal shall be by means of soakaway unless percolation tests prove negative in which case an alternative means of disposal shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The soakaway or alternative approved means of disposal shall be implemented prior to the first occupation of the dwelling.**
Reason: To prevent surface water flooding in accordance with the aims of PPS25.
- C6 Before the development hereby permitted is first occupied, the proposed first floor windows to the stairs and first floor landing on the west elevation shall be obscure glazed and shall be incapable of being opened and shall subsequently be maintained as such.**
Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C7 No works or development shall take place until full details of all proposed tree and shrub planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree and shrub planting shall be carried out in accordance with those details and at those times. The details shall include provision for a semi-mature tree to replace the walnut which is proposed to be removed.**
Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).
- C8 The dwelling shall not be occupied until the garage shown on the approved plans has been constructed, in accordance with the details submitted to and approved in writing by the Local Planning Authority. The garage shall thereafter be available at all times for the purpose of the parking of vehicles, in connection with the use of the dwelling.**
Reason: In order to protect and safeguard the amenity of the local residents or occupiers, in accordance with Policies T1, T9 and T10 of the Adopted Peterborough Local Plan (First Replacement).

- C9** The wall to the site frontage shall be retained and the details of any new boundary treatment shall be approved in writing by the Local Planning Authority and shall include an extension of the existing wall along the western boundary at the same height and design. These shall be erected prior to the first occupation of the development, and thereafter shall be maintained to the satisfaction of the Local Planning Authority.

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

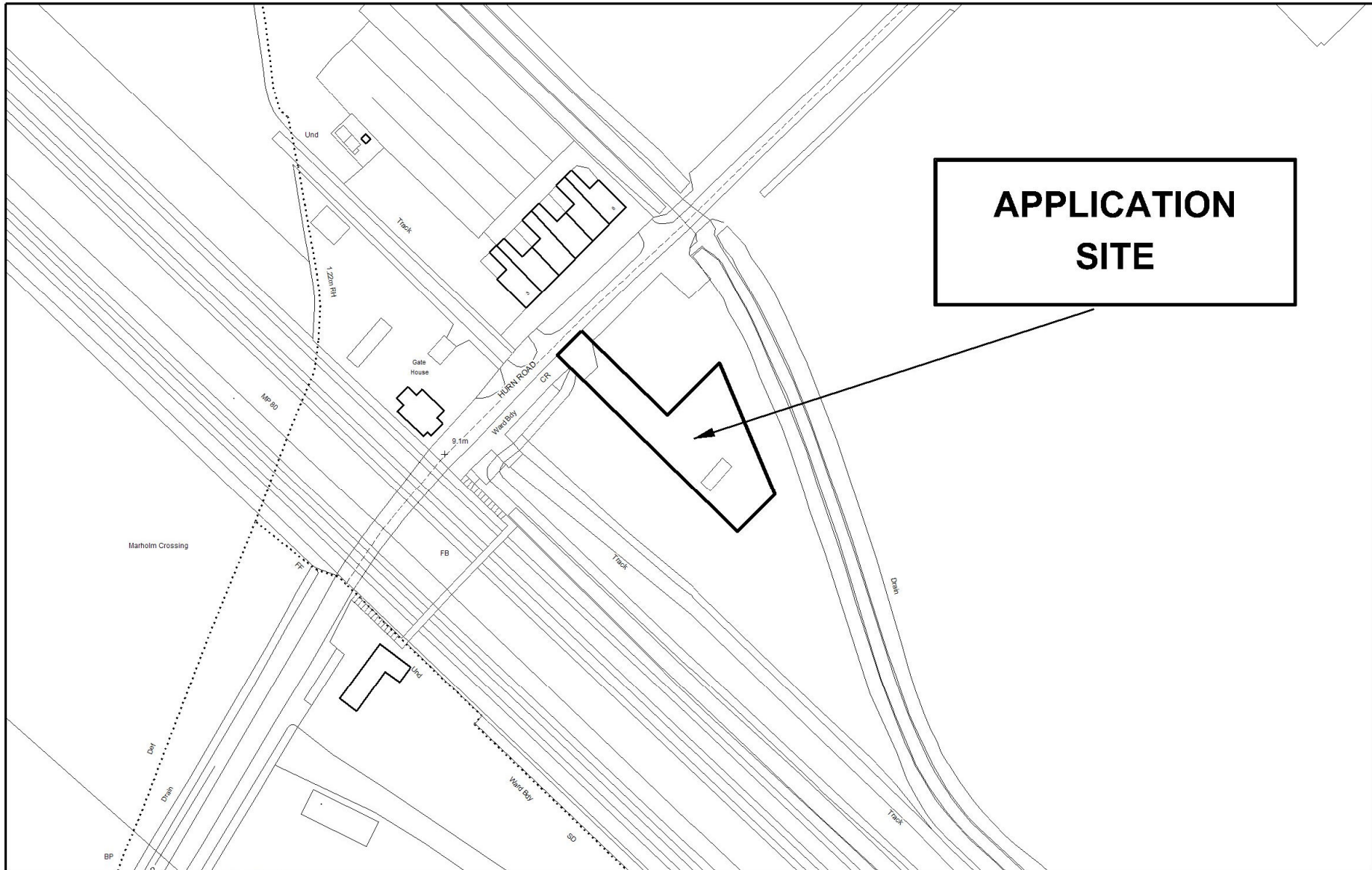
- C10** No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To ensure that archaeological remains are not disturbed or damaged by foundations and other groundwork but are, where appropriate, preserved in situ, in accordance with Planning Policy Statement 5 (PPS5 Planning for the Historic Environment), and Policies CBE1 and CBE2 of the Peterborough Local Plan (First Replacement)

Informative

The applicant is advised to contact the Highway Authority to agree a proposed street naming/numbering scheme for the new dwelling prior to occupation.

Copy to Councillor Over



**APPLICATION
SITE**

LOCATION PLAN 10/01065/FUL

Land Opposite No. 3 Hurn Road, Werrington, Peterborough

Scale 1:1250 Date 9/11/2010 Name MKB Department Planning Services

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10/01065/FUL: USE OF LAND FOR ONE EXTENDED GYPSY FAMILY COMPRISING TWO RESIDENTIAL CARAVANS AND ONE FAMILY ROOM CARAVAN TO INCLUDE THE ERECTION OF A NOISE BARRIER AT LAND OPPOSITE 3 HURN ROAD, WERRINGTON, PETERBOROUGH

VALID: 23 AUGUST 2010

APPLICANT: MR BROWN

AGENT: ARCHITECTURAL & SURVEYING SERVICES LTD

REFERRED BY: HEAD OF PLANNING, TRANSPORT AND ENGINEERING SERVICES

REASON: PUBLIC INTEREST IN THE APPLICATION

DEPARTURE: NO

CASE OFFICER: MIKE ROBERTS

TELEPHONE: 01733 454410

E-MAIL: mike.roberts@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The proposal is for the use of land for one extended gypsy family to include the erection of two residential caravans and one family room caravan.

The main considerations are:

- The principle of the proposed development on this site
- Landscape Impact
- Highways
- Drainage
- Archaeology
- Noise – Residential Amenity (occupiers)
- Residential amenities of the occupiers of close by existing residential properties.
- Access to local services

The Head of Planning, Transport and Engineering Services recommends that the application is **REFUSED**.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Relevant policies are listed below with the key policies highlighted.

The Peterborough Local Plan (First Replacement)

- U1 Water supply, sewage disposal and surface water drainage
- U9 Pollution of Watercourses and Groundwater
- CBE2 Other areas of archaeological potential or importance
- T1 New development should provide safe and convenient access to and from the site
- H16 Residential design and amenity
- DA2 The effect of development on the amenities and character of an area
- DA13 Noise
- LNE1 Development in the countryside

LNE9 Landscaping implications of development proposals
LNE10 Detailed elements of landscaping schemes
LNE19 Protection of species
U1 Water supply, sewage disposal and surface water drainage

Material Planning Considerations

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below:

ODPM Circular 01/06 – Planning for Gypsy and Traveller Caravan sites

ODPM Circular 03/99 – Planning requirement in respect of the use of non mains sewerage incorporating sewerage tanks in new development

Designing Gypsy and Traveller Sites: Good Practice Guide May 2008

PPG24 Planning and Noise

Peterborough Core Strategy – Preferred Options May 2008

- Policy CS7 – Gypsies and Travellers. Which states (post submission of the Core Strategy):-

The criteria which will be used to consider planning applications for new Gypsy and Traveller Caravans and associated facilities are:-

- a) the site and its proposed use should not conflict with other development plan policies or national planning policy relating to issues such as flood risk, contamination, landscape character, protection of the natural and built environment or agricultural land quality
- b) the site should be located within reasonable travelling distance of a settlement which offers local services and community facilities including a primary school
- c) the site should enable safe and convenient pedestrian and vehicle access to and from the public highway and adequate space for vehicle, parking, turning and servicing
- d) the site should be served, or be capable of being served by adequate mains water and sewerage connections
- e) the site should enable development and subsequent use which would not have any unacceptable adverse impact on the amenities of the occupiers of nearby properties or the appearance or character of the area in which it would be situated.

3 DESCRIPTION OF PROPOSAL

The proposal is seeking planning permission for the erection of two static caravans for residential occupation. The application details have stated that the lengths of the caravans would be between 6.42m and 7.95m (depending upon exact model chosen) and widths of 2.29m. A third caravan within the same length options and width is to be used as a shared family room facility. All three caravans are to be used by one extended family. A foul water treatment plant is also proposed with the surface of the site being of permeable materials. The site area is approximately 0.07 hectares and is 'L' shaped in plan form. The vehicular access is proposed directly opposite no.3 Hurn Road and is shown with a width of 8m. Entrance gates are to be set approximately 6m from the edge of Hurn Road. The two 'living' caravans are to be located approximately 27m from Hurn Road to the rear of a grass field. They are to be positioned at right angles to each other and immediately adjacent to each other. The family room caravan is to be located at the very rear of the site approximately 50m from Hurn Road. An underground water treatment plant is to be located towards the south east corner of the site. The surface water drainage of the site is to be via a soakaway. Parking provision is shown for 4 vehicles and a 6m diameter turning circle is identified within the access road. The 'living' caravans are proposed at a distance of approximately 44m from the nearest line of the London to Edinburgh mainline railway and the family room would be approximately 36m away from the same nearest mainline railway track.

The agent has provided evidence to demonstrate that the intended occupiers meet the definition of Gypsies and Travellers.

The original application for the development ref:- 10/00412/FUL was withdrawn by the applicant as a result of a refusal recommendation to Committee by the Head of Planning, Transport and Engineering Services. It was considered that the occupation of the site, in very close proximity to the mainline London to Edinburgh railway, would not provide for a satisfactory living environment for occupiers of the site given the exposure to high noise levels from the passing trains. No measures were proposed in that application to mitigate against the noise from the trains.

The proposal has been revised since its submission to now include three possible noise mitigation barrier options to be located between the proposed caravans and the mainline railway.

Proposal 1 – This is the originally submitted noise barrier proposal. This proposes a barrier immediately along the south-west boundary of the site that would stretch for a length of 40m, beginning at a distance of 14m from the back edge of the highway, and would turn in a north-easterly direction for a further 14m. It is to comprise a 1m high earth bund with a 3.5m high close boarded fence on top. The overall height of the barrier would be 4.5m.

Proposal 2 – This proposes two noise barriers. One barrier would be sited along the same alignment as that submitted as proposal 1. It is proposed to comprise a 1.8m high acoustic fence on top of a 1.3m tall earth bund – overall height being 3.1m. The other barrier is to be located approximately 14m to the west of the barrier nearest to the caravans running in an approximate parallel alignment. This barrier would extend from a point 10m back from the highway, approximately 6m from the beginning of the barrier nearer to the caravans being initially parallel to the highway, for a distance of 10m. It then turns in a south-east direction for a length of 63m with a small return to the east of 4m. This barrier is to comprise a close boarded fence, of height 1.8m, on top of a 1.9m high earth bund (3.7m total overall height). As a part of this proposal the applicant has shown the erection of a 1.8m high close boarded fence to be erected along the frontage of the field to the north of the two residential caravans which is shown to continue along the eastern boundary of this field, caravan site area and the field to the south east of the caravan site. Its length along this south east boundary, from Hurn Road is in excess of 100m. Landscaping is proposed to the front of this fence line.

Proposal 3 – This proposes a barrier close to the western side of the site with a 1.8m high close boarded fence on top of a 3.2m high earth bund – overall height being 5m. The earth bund will extend for a width of approximately 14m with its steep side closest to the caravans and the shallower side extending in a westerly direction. The earth bund is proposed to be landscaped.

A plan has been submitted that shows how the landscaping of the site could evolve over time to soften the appearance / mask the acoustic fence and bund. However, it should be noted that this has not been based on any detailed landscaping plan that has been submitted to the Council.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The sole vehicular approach to the site is via Hurn Road which is of a single carriageway width. The road has a mature hedge along its northern side whereas to the south there are clear views into the open countryside. The application site is located within a triangular shaped area of land. This land is generally overgrown with various vegetation including scrub type, shrubs, hedging and small trees. Immediately to the north of the application site is a row of 6 modest sized terrace houses the frontages of which are set back 9m from the vehicle carriageway. A detached dwelling is located very close to the railway line to the west of the terraced row. To the east/south east of the site is arable farmland. The nearest line of the East Coast mainline railway is approximately 35m from the western boundary of the application site. In total there are three mainline tracks with two further railway lines to the west that connect Peterborough with Leicester via Stamford. The Peterborough Green Wheel Footpath/Cycleway passes by the site along Hurn Road to connect Marholm to Werrington.

5 PLANNING HISTORY

Application ref:- 10/00412/FUL – Use of land for one extended gypsy family comprising two residential caravans and one family room caravan - WITHDRAWN

INTERNAL

Section 106 Officer – No financial contributions would be required from the development

Head of Building Control – Building Regulation approval would not be required.

Archaeology Officer – No objection - The site is surrounded by crop marks of uncertain interpretation, whilst some of these have in the past been found to represent geological features others could be of archaeological origin. Suitable archaeological mitigation should be attained through, should planning permission be granted, a condition requiring an archaeological investigation of the site prior to the commencement of the development.

Highways Officer – No highway objections. The proposal will not generate significant traffic volumes and the proposed access arrangements are acceptable.

Wildlife Officer – No objection - The site is close to the Marholm Crossing County Wildlife Site but the proposal would be unlikely to have an impact upon the features for which the site has been designated.

Environmental Health Pollution Control Team – No objection. The noise monitoring was undertaken at the site over a short 2 hour day time period. This established noise levels within the Noise Exposure Category (NEC) B for day time noise and on the boundary of NEC B and NEC C for night time noise as defined in Planning Policy Guidance Note 24 (PPG24) – Planning and Noise. The advice for NEC B is that *“Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise.* The advice for NEC C is that *“planning permission should not normally be granted. Where it is considered that permission should be given, for example where there are no alternative sites available, conditions should be imposed to ensure a commensurate level of protection against noise”.*

Whilst the monitoring period was over a short time, it would take a doubling or halving of the train traffic to alter the noise levels by 3Db. Given the potential accuracy of the noise meter and monitoring and that PPG24 allows for the increase or decrease of the NEC's by 3dB (A), the monitoring period can be accepted as adequately assigning the site NEC. In addition the noise assessment also concludes a similar noise environment to that established for a nearby site with similar characteristics at Arborfield Mill, Helpston. If the site is accepted as a reasonable location for the siting of a mobile home, suitable acoustic mitigation is required. The suitability, other than for acoustic purposes, of the proposed noise barrier in this location requires consideration. Each of the proposed noise mitigation barriers would, provided that the caravan was fitted with acoustic ventilation units, would reduce noise levels in the proposed caravans to levels that would be satisfactory for residential occupancy.

Given the proximity of the caravans to the railway lines consideration has to be given to the likely potential for the caravans to vibrate on the passing of the trains and to the resonate excitement (movement) particularly of lightweight objects/fittings within the caravans. The presence of the noise mitigation barriers would be effective in reducing the potential for the resonate excitement of objects within the caravan that would otherwise have the potential to occur from the fast movement of air generated from the passing trains. Vibrations of the caravans could be prevented, by the passing train movements, with secure fixing of the caravans to the ground in accordance with details that could be achieved via the imposition of a planning condition.

Landscape Officer – No objections

EXTERNAL

Environment Agency – No objections. Any culverting of a watercourse requires approval of the Environment Agency. Consent would be required from the Environment Agency for any works/structures within 9 metres of the Brook Drain that runs close to the eastern boundary of the site.

Network Rail – No objection to the principle of the development but there are requirements that must be met, especially with the close proximity of the site to the electrified railway. Specifically all surface and foul water must be directed away from Network Rail property. Development for residential use adjacent to an operational railway may result in neighbour issues arising. Every endeavour should be made by the developer to provide soundproofing for each dwelling. The worst case scenario could be trains running 24 hours a day and sound proofing should take this into account. This can be secured in such cases by way of a condition to a planning approval.

Werrington Neighbourhood Council – Objection on the grounds that:-

The proposal would result in a significant loss of amenity to the properties overlooking the site, particularly nos.3 to 8 Hurn Road and it would have a significant adverse impact upon the appearance and character of the locality. The surrounding area is rural and notwithstanding the intermittent noise from passing trains the local environment is quiet and secluded. There is concern that as the applicant has indicated that he also owns adjoining land that these areas would be used for activities that may have an adverse impact upon the amenities of the occupiers of the adjacent residential properties. The site has not been identified by the City Council as one which has the potential to be suitable to accommodate a Gypsy family. ODPM Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites advises that Local Planning Authorities should have regard, amongst other considerations to noise and other disturbance from the movement of vehicles to and from a site, the stationing of vehicles on the site and business activities. Residential development in the open countryside should only be permitted where there is an overriding need as stated in policy H13 of the Peterborough Local Plan (First Replacement). The proposal would also not meet the criteria of policy H22 of the Local Plan which relates to sites adjacent to Rural Growth or Limited Rural Growth Settlements. The proposal does not satisfy policy H27 (Development of Gypsy Caravan Sites) of the Local Plan as the development of the site would have a general adverse impact upon the amenity, appearance and character of the location with it being situated directly within the environs of existing residential properties.

The proposal also does not satisfy the requirements of policy CS7 of the Peterborough City Council Submitted Core Strategy Document on the grounds the development of the site would have an adverse impact upon the amenities of the occupiers of the close by residential properties and would have a detriment impact upon the appearance and character of the area. The requirement to have to provide a 4.5m high barrier along two sides of the site just to make the site habitable demonstrates that the site is not suitable for residential use. There is doubt that the barrier proposal would successfully reduce noise levels day and night having regard to the use of the outside area for living purposes and as an exterior link between the day room and the main accommodation and the need to have open windows day and night at some times of the year. Further the height of the barrier, at a close distance to the caravans would be unacceptably oppressive and overbearing for the occupiers.

NEIGHBOURS

Objections to the proposal have been received from the occupiers of the terraced row of residential properties immediately to the north of the application site on the grounds that:-

- The occupation of the site would affect the peace and quiet and the general character and appearance of the area
- Hurn Road is only a single lane no through road and cannot accommodate more traffic without it becoming congested at times. This could have implications for emergency service vehicles accessing the existing dwellinghouses and the application site.
- The proposed residential use of the site could lead to vehicles associated with the occupation of site the having to park in Hurn Road to the detriment of the free flow and safety of traffic/pedestrians
- The occupation of the site would lead to a reduction in property values of the residential properties in Hurn Road. (Not a planning issue).
- The occupation of the site with caravans and ancillary structures/materials would detrimentally impact upon the outlook from the residential properties to the north of the site

- The occupation of the site would increase noise levels within an area that is generally quiet other than the long established noise generated by the passing trains on the East Coast Main Line Railway.
- The occupation of the site would give rise to a loss of privacy currently afforded to the residents of the dwellinghouses to the north of the site.
- The site has no mains water supply or sewerage facility. The emptying of the package treatment plant would be problematic
- The site is very close to the East Coast Mainline Railway and there are fears that any children on the site could be at risk were they to trespass upon the railway lines.
- The Greenwheel Cycle route passes the site and the presence of caravans and ancillary structures would detract from the enjoyment of the route by cyclists/walkers
- Hurn Road has no footpaths/pavement alongside it and hence no safe pedestrian route from the application site to the services in Werrington
- The large sized vehicles that are commonly owned by Gypsy's for business purposes would be unsuitable for use along Hurn Road due to its narrow width
- The accessibility to everyday services such as shops, medical facilities and schools is poor from the site.
- The proposal has not met the locational requirements in the Peterborough City Council Strategy for the Gypsy and Traveller population nor those of Central Government
- There have been sightings of Great Crested Newts on the site which are a protected species that should not be disturbed.
- There is the potential for attacks by the dogs of the occupiers of the site on people walking or cycling past the site.
- No mention has been made on with regards to the drainage of surface water off the site.
- There are more suitable sites within which Gypsy's could be located.
- The site is not vacant as stated in the application forms but has been used for agricultural purposes
- The access width would be out of character with the locality
- No petrol interceptor for the drive way/car parking areas
- Approval of the application would set a precedent for other Gypsy caravan sites in the area.
- The site is located adjacent to the mainline railway and the noise and vibration from the passing trains would provide for poor living conditions.
- The occupation of the site by caravans and the necessity for a 4.5m high noise barrier would adversely impact upon the character and appearance of the immediate rural location.
- The dwelling nearest to the railway line is long established and was a necessity for the manning of the level crossing, which is no longer present. There was a functional need for this but there is no such functional need for the caravan park in the proposed location.
- The use has the strong potential to attract larger vehicles than just the private motor car to the site and the haphazard parking of such vehicles within the site and possibly outside of the site would create a visually intrusive environment.
- The applicant has submitted photographic evidence stating that there is commercial activity being undertaken to the rear of the existing dwellings in Hurn Road. The buildings that are shown on the photograph are traditionally styled garden sheds/outbuildings used in a manner that is ancillary to the occupation of the dwellinghouses.
- The proposed noise barriers will deflect noise towards the existing dwellings
- The sites put forward as comparator locations of fences and noise barriers and bunds are not similar in terms of context at all.
- The proximity of the railway lines would represent a potential danger to the occupiers of the caravans a point highlighted by the recent death of a child living at the Foxcovert Road caravan who was in collision with a passing train.
- Concern that the noise barriers would deflect the noise from the trains towards existing residential properties particularly the dwelling at Jalna, 250m to the east of the proposed site.

A petition has been submitted, by the occupiers of 8 residential properties in Hurn Road, Werrington objecting to the proposal on the grounds that:-

- The proposal would set a precedent for similar proposals in the area
- Impact upon the residents of the adjacent dwellinghouses
- The water pressure in the road cannot cope with more residential development

- There are no mains sewerage facilities in Hurn Road
- The proposal would devalue the dwellinghouses opposite the site
- The proposals would be inappropriate in view of the proposals for the larger development of the area
- Hurn Road is a single carriageway and cannot cope with more traffic particularly if other gypsy vehicles are attracted to the site
- Planning permission has previously been refused for the residential development of the site
- Would the Local Authority provide waste bins for the residents of the site
- Should fires be lit on the site the prevailing wind would tend to blow the smoke directly towards the occupiers of the dwellings opposite the site.
- The site is only 32 feet away from the boundary of dwellings opposite the site

A letter of support has been received from a member of the Travellers community.

Councillors

Cllr John Fox – Objects on the grounds that –

- a) The proposal is not conducive to the area and surrounding houses.
- b) The site is not suitable for caravan living accommodation due to the noise generated from the high speed trains operating along the very close by main line railway tracks which would provide for a poor living environment.
- c) The boundary fence would be too high and a danger in high winds.

7 REASONING

a) Principle of development

The application site is located within the countryside i.e. outside of a village envelope. The site was not one that had been allocated in the emerging Core Strategy. The application should be determined on the basis of the guidance in Government Circular 01/06 (which must be used instead of the superseded Local Plan policy H27) and emerging policy CS7 (a) to (e) of the emerging Core Strategy.

In terms of location, the proposal is considered to be within a reasonable travelling distance of the built up area of Werrington and that it is not so isolated as to be considered unsustainable. Circular 01/06 states that sites on the outskirts of built-up areas may be appropriate and that sites may also be found in rural or semi-rural settings. Rural settings, where not subject to special planning constraints are acceptable in principle. The key issues relate to detailed evaluation of the site in question and relationship to immediate surroundings and these are considered below;

b) Landscape Impact

The application site is not located in an area of the district that has been identified as having the best landscape value although the immediate area does have a rural quality that affords a pleasing visual amenity. The present condition of the site is somewhat overgrown but it has had a long history of agricultural use and has established itself by way of its hedging and trees such that its condition is considered compatible with the rural nature of the immediate area. This relationship with the immediate area would be significantly altered by the proposed noise barriers and fencing in respect of all of the alternatives put forward by the applicant. In seeking to reduce noise levels on the site to provide for a satisfactory living environment for the caravan occupiers the various noise barrier solutions are considered somewhat extreme and contrived and would by reason of their height, overall length and siting, stand out as an incongruous, dominant and alien structure within the immediate landscape all of which would give rise to structures that would have a detrimental impact upon the visual amenities and general character and appearance of the immediate area of countryside. The applicant has indicated that the slopes of the earth bunds would be landscaped although no planting details/schedule have been submitted for consideration. There is doubt that such planting would provide the necessary screening of the fencing in the long term as the establishment of planting on earth mounds is difficult to achieve successfully. If such planting did not take there would be gaps in the planting that would reveal sections of high level fencing that would further provide for a poor relationship to the general rural environment.

The proposals to erect a fence along the entire length of the eastern boundary of the land in the applicant's ownership, as submitted with the noise mitigation proposal 2, would further create a visually discordant relationship of the sites appearance in relation to the adjoining open countryside to the east of the site. The proposals to provide a landscaping strip to the front (east side) of this fence would not, it is considered, serve to reduce the dominance of the fence for some considerable time and if poorly maintained this would never mitigate the presence of the fence to satisfactory levels. No details of the proposed planting details have been provided.

The applicant has submitted information showing the proximity of close boarded fencing in close proximity to the application site i.e. that forms the boundary of the former gatehouse dwelling immediately to the north of the application site. Whilst this is the case the fencing is required to provide privacy for the occupiers of the dwelling and is not an untypical feature in any general streetscene. The proposed various noise mitigation fencing is not typical, by way of its height, freestanding location and countryside setting and each would, it is considered, provide for incongruous features in the rural scene.

The agent has submitted photographic evidence of:

- Acoustic fences / bunds
- Traveller sites with poor / no landscaping / noise mitigation
- Poorly screen caravan sites

in various locations around the City to demonstrate that the application site and the proposal is no worse / better than the sites evidenced.

c) Access to Services

Criteria (b) of Policy CS7 - requires the site to be located within reasonable travelling distance of a settlement which offers local services and community facilities, including a primary school.

The site is within approximately 1.1km from the nearest shops at the Loxley Centre, off Lincoln Road Werrington. The nearest Primary School is William Law School that is 1.5km away from the site. The Primary School in Glinton is approximately 2.6km away. It is considered that these distances are reasonable travelling distances to these services. Circular 01/06 states that issues of sustainability are important and should not only be considered in terms of transport mode and distances from services. Other considerations include the wider benefits of easier access to GP's, other health services and children attending school on a regular basis with the provision of a settled base that reduces the need for travel by car. On balance it is considered that the location of the site is sustainable. The site is locationally comparable to that of a Gypsy caravan site proposed off the A47 near to Wansford which the Local Planning Authority (PCC) refused planning permission. The applicant appealed the decision and whilst the Planning Inspectorate dismissed the appeal the Inspector was satisfied the location was sustainable in that the site was within walking distance and only a short car journey away from the services in Wansford which contains various shops and a health centre.

d) Highways

Criteria (c) of Policy CS7 – requires safe and convenient pedestrian and vehicle access to and from the public highway, and adequate space for vehicle parking, turning and servicing.

The Highways Officers have raised no objection on the grounds that the proposal is for only one extended family which would not materially increase the number of vehicle movements along Hurn Road such that there would be minimal interruption in the free flow of traffic. The road also forms a part of the Peterborough Greenwheel Cycle Route the safe use of which should not be affected by the occupation of the site.

e) Drainage

Criteria (d) of Policy CS7 – requires the site to be served, or be capable of being served, by adequate mains water and sewerage connection.

The Environment Agency raises no objection to this application. The site could be serviced with mains water and the use of a small sewerage treatment plant would be acceptable. The latter could be secured by a planning condition. The proposed structures on the site would all be at least 9m away from the nearby drains.

f) Impact on surrounding sites

Criteria (e) of Policy CS7 – the site should enable development and subsequent use which would not have any unacceptable adverse impact on the amenities of occupiers of nearby properties or the appearance or character of the area in which it would be situated.

It is considered that the proposed development would adversely impact on the amenities of the occupiers of nearby residential properties and the character and appearance of the immediate countryside location of the site by way of the proposed scale of the noise barriers that would stand out as an adversely incongruous, dominant and discordant features.

g) Archaeology

The Archaeological Officer has advised that the site may contain remains of interest but would not require an archaeological investigation prior to the determination of the planning application. A planning condition could be imposed that sought archaeological investigation works prior to the commencement of development.

h) The Residential amenities of the future occupiers of the caravans.

In general terms it is not considered desirable to locate residential caravans in close proximity to main line railways where impact noise levels are high from the passing of high speed trains and the fact that the sound insulation afforded to caravans is poor due to their lightweight construction. In this case there would be a frequent high level noise source 35m to the west of the application site.

To seek to provide for a satisfactory living environment for the occupiers of the caravans, both within the caravans and the application site in general the applicant is proposing three potential noise mitigation barriers between the site and the railway line. Having studied each of these options the Environmental Health Team is satisfied that each of the options would lower the noise levels from the passing high speed trains sufficiently to provide for a satisfactory living environment within the site and provided that noise reducing acoustic ventilators were to be fitted to the caravans the internal caravan living accommodation would be satisfactory. The inclusion of the acoustic ventilators would reduce the need for the occupants of the caravans having to open doors/windows, in hot weather for example, which if occurred would expose them to unacceptable levels of noise.

Consideration has also been given to the potential for the caravans to be affected by ground vibration from the passing trains and also to occurrences of resonate excitement of fixtures/lightweight structures/contents. The Environmental Health team have concluded that both are unlikely to be a problem for the occupiers of the caravans provided the noise mitigation barriers are provided. This conclusion has been reached based upon experiences of the residents of the mobile homes in the Dukesmead Mobile Home Park where a number of the homes in the Park are within comparable proximity to the same railway lines as the proposed caravans. No such problems have been highlighted by the occupiers of the homes and there are no noise mitigation barriers between the mobile homes and the railway lines.

i) The impact of the proposal upon the amenities of the occupiers of close by existing residential properties.

Concern has been expressed from residents of Hurn Road that the occupation of the site would adversely impact upon their general amenities for example by way of the activities of the occupiers upon the site, increased vehicle movements to and from the site, many involving larger non domestic scale vehicles and by the necessity for a significantly sized noise barrier.

As the site is located directly opposite existing residential properties the use of the site could be expected to generate levels of activity either from within the site and as a result of vehicle movements to and from the site that could impact upon the general amenities of the occupiers of those properties. However, whilst there will be some impact, consideration has to be given as to whether such impacts would lead to conditions that would cause actual detriment to their amenities. It is anticipated, given the labouring types of trades that travellers are generally involved in, that the vehicles of the occupiers of the site could be generally larger than the private motor vehicle to include, for example, transit vans and small lorries. No objection has been raised by the Highways Officers who are satisfied that given the site is to be occupied by a single extended family would not generate a level of traffic along Hurn Road that would inconvenience existing users of the road either on foot or by vehicle. In addition there would be sufficient space within the application site to permit vehicles to enter and leave in a forward gear such that vehicles generated by the occupation of the site would not have to manoeuvre at the entrance to the site which could otherwise have inconvenience existing residents.

The existing dwellinghouses to the north of the site are to be located 38m away from the two residential caravans and would be located at a distance of 59m away from the family caravan. Given the separation distances the occupation/use of the caravans would be unlikely to have an adverse impact upon the amenities of the occupiers of the existing dwelling houses. Residents have also raised concerns about the possibility that land within and around the site, for example between the caravans and Hurn Road, could become a material store, something that is commonly associated with the travelling community and which could cause detriment to their general amenity and outlook. However, this is a matter that could be controlled by the imposition of a planning condition to prevent this from occurring.

All of the proposed noise barriers would be visible from within and from the frontages of the dwellings immediately to the north of the site, the nearest dwelling being 25m away. Two of the proposed noise mitigation barriers are to be 4.5m and 5m high respectively. These would stand out clear of much of the existing vegetation on the site and 2m – 3m taller than the existing fencing that surrounds the nearest dwelling to the railway line to the east of the terraced properties. All of the high level fencing/earth mound proposals would be particularly dominant when viewed from within the southern elevations and within the frontages of each of the terraced dwellings located just 25m – 40m away. Such mounding and fencing would be extreme anomalies within the immediate residential and rural setting. As such each of the noise mitigation earth mounds and fencing would provide for overall structures that would, by way of their general scale and incongruous appearance provide a detrimental, overbearing and oppressive relationship to the occupiers of those nearby residential properties.

j) Miscellaneous

Objectors have raised a number of other points and these are addressed below:

- The most likely noise source from the site would be that from a generator. Such noise levels could be controlled by the implementation of attenuation measures which could be secured by condition
- The privacy of the occupiers of the residential properties opposite the application site is already affected by the cyclists/walkers on the Peterborough Green Wheel Route that passes directly to the front of their houses and it is not envisaged that the occupation of the proposed site would compromise their existing privacy levels.
- Notwithstanding the latter it is considered that the enjoyment of those walkers/cyclists travelling along the Peterborough Green Wheel Route would be compromised by the presence of the caravan site and the noise barrier, particularly the noise barrier as an alien feature in the rural landscape.
- Concern has been expressed that the safety of children living at the site may be compromised through access to the mainline railway. However, the railway is secured by security fencing along its boundary to restrict access.
- A near neighbour to the site has mentioned that a Great Crested Newt has been seen on the application site although the Wildlife Officer has advised that no such sightings have ever been reported in the past and the environment is not best suited to such newts that tend to inhabit ponds rather than streams that flank the application property.
- Policy H22 of the Local Plan refers to rural exceptions sites for affordable housing and is not relevant to gypsy and traveller sites.

Each of the proposed measures to mitigate against the noise from the high speed train movements, from the close by mainline railway, to secure a satisfactory residential environment for the occupiers of the caravans would be incongruous features and therefore detrimental to the general character and appearance of the immediate rural scene.

9 RECOMMENDATION

The Head of Planning Services recommends that this application is **REFUSED** for the following reason:

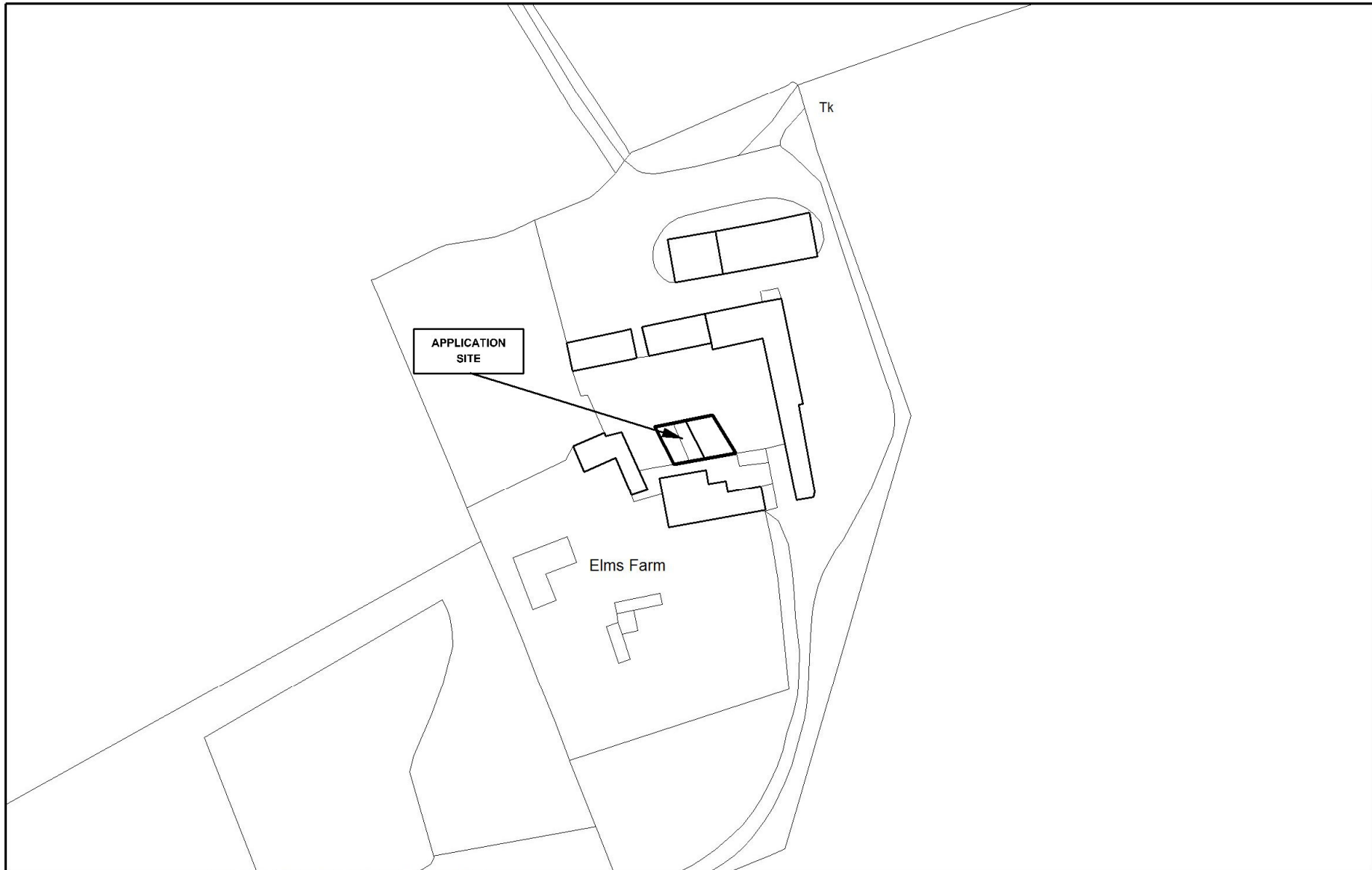
R1 The proposed acoustic noise barriers, due to their height, length and siting, would stand out as incongruous, dominant and alien features within the immediate rural setting to the detriment of the character and appearance of the countryside. Therefore the proposal would be contrary to policy DA2 of the Peterborough Local Plan (First Replacement) which states:-

DA2 Planning permission will only be granted for development if, by virtue of its density, layout, massing and height, it:

- a) can be satisfactorily accommodated on the site itself
- b) would not adversely affect the character of the area; and
- c) would have no adverse impact on the amenities of the occupiers of nearby properties.

Copy to Councillors: Fower, Burton, Thacker

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LOCATION PLAN 10/01202/LBC AND 10/01258/FUL

Freestanding Barn, Elms Farm, Great North Road, Wittering

Scale 1:1250 Date 9/11/2010 Name MKB Department Planning Services

PCC GIS



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10/01202/LBC
&10/01258/FUL

CONVERSION OF BARN TO 3 BED DWELLING WITH SEPARATE GARDEN
AREA AT ELMS FARM, GREAT NORTH ROAD, WITTERING

VALID: 27/09/2010

APPLICANT: MR SIAMAK FARIDI

AGENT: MRS AZAR WOODS

REFERRED BY: HEAD OF PLANNING TRANSPORT AND ENGINEERING SERVICES

REASON: TO ENSURE FAIR AND TRANSPARENT DECISION PROCESS GIVEN
COMPLAINTS BY THE AGENT

DEPARTURE: NO

CASE OFFICER: DAVE JOLLEY

TELEPHONE: 01733 453414

E-MAIL: david.jolley@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Impact on the amenities of occupiers of neighbouring dwellings
- Impact upon the character of the application site and the listed building
- The poor amenity offered to the occupants of the proposed development
- The vehicular access to the development
- Proposal of development outside of supplied red line
- Level of amenity space provided
- Parking provision
- Insufficient separation distance between dwellings

The Head of Planning Transport and Engineering Services recommends that both the applications are REFUSED.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Key policies highlighted below.

DA1	Development shall be compatible with its surroundings create or reinforce a sense of place and not create an adverse visual impact.
DA2	Development shall be satisfactorily accommodated on the site, not have an adverse affect on the character of the area and have no adverse impact on the amenities of occupiers of nearby properties.
CBE7	Development affecting the setting of a listed building
H16	Seeks residential development if the following amenities are provided to a satisfactory standard; daylight and natural sunlight, privacy in habitable rooms, noise attenuation and a convenient area of private garden or amenity space.
H19	Conversion of agricultural buildings to residential use in the open countryside
T1	New development should provide safe and convenient access for all user groups and not unacceptably impact on the transportation network.
T10	Car parking provision to be in accordance with maximum car parking standard

Planning Policy Statement 3: Housing. This requires Local Planning Authorities to make best use of land for new residential development and to ensure that it is well integrated with and complements the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.

Planning Policy Statement 7: The Countryside, Environmental Quality and Economic and Social Development seeks to integrate development necessary to sustain economic and social activity in rural communities whilst protecting the character of the countryside. It indicates that new development should be sensitively related to existing settlement patterns and to historic, wildlife and landscape resources.

ODPM Circular 05/2005 "Planning Obligations". Amongst other factors, the Secretary of State's policy requires planning obligations to be sought only where they meet the following tests:

- i) relevant to planning;
- ii) necessary to make the proposed development acceptable in planning terms;
- iii) directly related to the proposed development; (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development)
- iv) fairly and reasonably related in scale and kind to the proposed development;
- v) reasonable in all other respects.

In addition Circular 05/2005 states the following principles:

The use of planning obligations must be governed by the fundamental principle that **planning permission may not be bought or sold**. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.

Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development.

3 DESCRIPTION OF PROPOSAL

The proposal is to create a self contained three bedroom property from the conversion of a listed barn / outbuilding. This requires the insertion of a first floor and balcony, removal of part of the internal dividing wall, insertion of internal room partitions, re-location of the metal animal drinking bowl and two roof lights to the east and west roof elevations.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site is an isolated former farmstead accessed from the south bound A1. The site includes the listed building Elms Farm and a number of barns in various states of repair. The barn subject to the application is curtilage listed.

The application site is a cart barn, slightly rectangular in plan, of symmetrical appearance with a hipped pantile roof. It is an open cart barn/byre (east and west elevations) with a central dividing wall providing internal shelter of just over 3m. The southern side wall is jointly the common boundary wall of Elms Farmhouse. The northern side wall has an opening which has a three way metal animal drinking trough making this also accessible from the crewyard. The cart barn has typical supporting cast iron posts under large timber lintels (east and west elevations). The building is in a very poor condition having had partial roof collapse and is showing signs of other structural failure. In summary, this is a simple and subservient agricultural outbuilding in the former crew yard flanked by principle farm barns and implement buildings.

The wider area is characterised by the presence of the principal barns set around a crew yard in a 'C' shaped configuration, with an additional barn (F) to the west of the application site effectively creating a closed circle of barns, with the application site lying in the centre, ancillary to the larger barns.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
05/01479/FUL	Conversion of stone barn to a five-bedroom dwelling with use of freestanding barn as car port	Withdrawn	20.09.2005
05/01481/LBC	Conversion of barn to a five-bedroom dwelling with use of freestanding barn as car port	Withdrawn	20.09.2005
06/00266/LBC	Conversion of barn to 5 bedroom dwelling and use of freestanding barn for ancillary accommodation	Refused	16.02.2006
06/00268/FUL	Conversion of barn to 5 bedroom dwelling	Refused	16.02.2006
06/01454/FUL	Conversion to dwelling and freestanding barn for use as an ancillary building	Approved	15.09.2006
06/01455/LBC	Conversion to dwelling and freestanding barn for use as an ancillary building	Approved	15.09.2006
10/00676/NONMAT	Non-material amendment to planning permission 06/01455/LBC - Conversion to dwelling and freestanding barn for use as an ancillary building	Approved	19.05.2010

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Highways – Objects. A visitors' parking space outside Barn A has been referred to, but this has been excluded from the plans and the application site.

Conservation Officer – Objects. The proposed changes will significantly harm the essential character and appearance of this simple building. If this proposal had formed part of original scheme then it is most likely that a refusal would have followed. Limiting the amount of alteration to the building to the approved scheme is in accordance with national guidance contained in Planning Policy Statement 5 and policy CBE6 of the adopted Peterborough Local Plan. This building should remain subservient in appearance and use to the adjacent principle barns. The approved scheme should represent the limit of change to the building fabric that can be supported by the local planning authority. The approved scheme would retain and largely preserve the buildings architectural and historic character – the proposed works and use will significantly harm that character.

Refuse - No objection subject to upgrading of the access road and provision of refuse vehicle turning area. A bin collection point will need to be identified for this barn too as above with adequate space and turning head for the RCV. Alternatively the collection point can remain as at present.

Rights Of Way officer - No objections

Archaeology – No objection. Given the historic interest of the building and associated curtilage any permission should have a condition to ensure that any proposed groundwork is monitored by an appointed archaeologist.

Natural England – No objection. The site proposed for development is located within approximately 700m of a Site of Special Scientific Interest (SSSI) at West Abbot's and Lound Woods which is designated for its woodland flora. It also falls within 2km of 3 further SSSIs: Southorpe Roughs, Southorpe Meadow and Southorpe Paddock which are designated for the unusual meadow plants they support. Whilst these sites are of national conservation importance, we believe it is highly unlikely that the proposed development will have any adverse impact on their interest features.

Sec 106 Officer - A S106 contribution of £6000 + £120 monitoring fee applies

EXTERNAL

Parish Council – No reply received

Highways Agency – No objection subject to condition in relation to a S278 agreement for the upgrading of the access from the A1 (this is in place for the extant permission for the wider conversion of the wider barn complex).

NEIGHBOURS

The following comments were received in respect of the proposal:

- No pedestrian or motorised access
- Public services, transport, footpaths
- According to the deeds held by our client, the owner of Barn B can legally only use Barn B and its ancillary land buildings etc, as ONE domestic dwelling. And amongst other covenants, cannot park or block with vehicles any land approaching/and including the inner courtyard, namely that area around the barns (Committee should be aware that any covenants contained within premises deeds are a matter of property law and not planning law as such are not considered a material planning consideration).

COUNCILLORS

- No comments received

7 REASONING

a) **Introduction**

The application is part of a Listed Barn complex that has permission for conversion in to 4 residential units. Under that permission, the structure subject to the current application formed part of one of the residential units (barn B) as an outbuilding in the garden which could be used as ancillary accommodation to barn B. The current application seeks to separate the two buildings resulting in the barn as a stand alone unit, separate from barn B. The application site barn is completely enclosed by land outside of the applicants' ownership and is effectively land locked. There is no vehicular access to the proposed dwelling and it is unclear whether pedestrian access to the dwelling exists.

b) **Character of the area**

The insertion of a mezzanine floor and balcony, removal of much of the central internal wall and re-location of the metal drinking trough would significantly change the simple character and appearance of this building. The level of change proposed to the small ancillary building is contrary to national guidance, including English Heritage guidance on the conversion of former agricultural buildings and Peterborough Local Plan H19 of the Peterborough Local Plan (First Replacement) 2005.

There is little justification to accept the changes proposed to the outbuilding and create a separate residential use. The proposed separate residential use and the amount of alteration to the building will harm neighbouring residential amenity and adversely change the character of the building and its contribution to the character of the courtyard. In planning and conservation terms the building should remain ancillary and subservient to the main courtyard buildings.

As a small cart barn in the former crew yard it is appropriate that the building retains its subservience in scale and character to the surrounding principle farm buildings. The approved scheme for the outbuilding as an ancillary building has much merit, in that minimal alterations to the existing fabric are supported to achieve a beneficial use and this is consistent with good conservation practice for the re-use of former agricultural buildings.

The construction of the two walls necessary to create the enclosed amenity space proposed would fundamentally alter the open nature of the crew yard and is considered harmful to the character of the area and to the setting of the adjacent listed building.

c) **Impact on neighbour amenity**

The proposal would result in two separate dwellings whose front elevation window to window distances were approximately 11 metres apart. Given the otherwise spacious nature of the development and its open countryside location this is considered inadequate and would result in unacceptable levels of overlooking and a lack of privacy for both the occupiers of Barn A and any occupiers of the application site barn.

Barn A would also appear completely overbearing to the occupiers of the dwelling proposed under this application. The amenity space would be unacceptably overlooked by the occupants of barns A, B, C and D and it is considered that the proposal does not provide adequate amenity space with an acceptable level of privacy, a key element of local plan policy H16 of the Peterborough Local Plan. It should also be noted that a small section of the garden shown on plan no: 69 would appear to be outside of the ownership of the applicant and no notice would appear to have been served to the owner of barn A and certificate B has not been filled in on the application form, this is contrary to statutory requirements.

d) **Section 106**

A section 106 agreement is required for this development in accordance with the Council's Planning Obligations Implementation Scheme SPD which at the time of writing has not yet been completed.

e) **Highways/parking**

As stated in section (a) the property has no access for vehicles and is land locked, making it unacceptable as a standalone dwelling. The application documents make no mention of how this issue is to be overcome other than showing the route for emergency vehicles to enter the crew yard across the curtilage of Barn A, which is outside the ownership of the applicant and is unlikely to be a suitably surfaced access, given that is for emergency vehicle use only. There is no evidence submitted with the application of an agreement with the owner of barn A that a route of access is to be provided.

The single parking space is not shown on any submitted plans and is only mentioned on the application form as one space, which would be visitor parking in front of barn A, on land outside of the applicants ownership. Even if the applicant were given permission to site the space in the location stated, the single parking space proposed is substandard and two spaces would be insisted upon, given the isolated location of the site and the size of the dwelling proposed.

f) **Other matters**

The applicant proposes that the bins will be collected by the City Council and would be stored in covered area. Currently the local council refuse vehicles collect the waste from Wittering Cottages and Elm Farm from the end of the track in the lay-by near the A1, they do not drive up the access road as it is not satisfactorily surfaced and would not be willing to collect from the application site unless it was upgraded to a hard surface.

There are no turning heads for the refuse vehicle on site and bin collection points would need to be identified as the crews would not walk up to the houses. Some of the unloading areas may be suitable if turning heads are in place, however given the land locked nature of the application site it would not be possible to get the bins from the barn to any possible collection point.

No information has been provided relating to the improvement of the access road or the location of the bin store and as such the proposals must be considered unacceptable.

The applicant also proposes landscaping of the crew yard, this is outside of the ownership of the applicant and no notice would appear to have been served on the owner of the crew yard area and certificate B on the application form has not been signed. This is contrary to statutory requirements and would need to be remedied prior to any permission being granted. Even if this were to occur the landscaping of the crew yard is unlikely to be acceptable and is out of character with the functional

open character of the crew yard. The landscaping would be considered harmful to the area and to the setting of the adjacent listed building Elms Farm.

8 CONCLUSIONS

Subject to the imposition of the attached conditions, the proposal is unacceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

- The proposal will significantly harm the character and appearance of the simple barn building and the building should remain subservient in appearance and use to the adjacent principal barns.
- No vehicular or pedestrian access is shown on the submitted plans.
- The proposal does not provide a convenient area of amenity space with reasonable privacy.
- The dwelling would harm the amenity of the occupiers of the neighbouring dwellings and it would suffer from unacceptable levels of overlooking and overbearing.
- The applicant proposes landscaping of the central courtyard area which is outside of the ownership of the submitted red line and certificate B has not been filled in on the application form.
- The parking proposed is not shown on any submitted plans, is substandard and is proposed in a location outside of the supplied redline and outside of the ownership of the applicant.

9 RECOMMENDATION

A) 10/01202/LBC

The Head of Planning, Transport & Engineering Services recommends that this application is **REFUSED**.

- R1 The proposal by way of the scale and appearance of the alterations proposed will significantly harm the character and appearance of the simple barn building which should remain subservient in appearance and use to the adjacent principal barns. This is contrary to policy CBE6 of the Peterborough Local Plan (First Replacement) which states:**

CBE6 The City Council will not grant consent/permission for the alteration, extension or carrying out of other works to a listed building or building which is within its curtilage where it would:

- (a) be unsympathetic to the character of the original building or its setting in scale, form, materials or situation; or
- (b) be detrimental to the long-term stability of the fabric of that building; or
- (c) result in the removal of internal or external features of a listed building, or features within its curtilage, which contribute to its architectural or historic interest.

B) 10/01258/FUL

The Head of Planning, Transport & Engineering Services recommends that this application is **REFUSED**

- R1 The proposal by way of the scale and appearance of the alterations proposed will significantly harm the character and appearance of the simple barn building which should remain subservient in appearance and use to the adjacent principal barns. This is contrary to policy CBE6 of the Peterborough Local Plan (First Replacement) which states:**

CBE6 The City Council will not grant consent/permission for the alteration, extension or carrying out of other works to a listed building or building which is within its curtilage where it would:

- (a) be unsympathetic to the character of the original building or its setting in scale, form, materials or situation; or

- (b) be detrimental to the long-term stability of the fabric of that building; or
- (c) result in the removal of internal or external features of a listed building, or features

R2 The submitted plans do not include a safe and convenient access to the development. This is contrary to policy T1 of the Peterborough Local Plan (First Replacement) which states:

T1 Planning permission will only be granted for development if:

- (a) appropriate provision has been made for safe and convenient access to, from and within the site by all user groups taking account of the priorities set out in the Transport User Hierarchy of the Local Transport Plan; and
- (b) it will not result in unacceptable impact on any element of the transportation network.

R3 The dwelling by way of its close proximity to neighbouring dwellings would harm the amenity of the occupiers of the neighbouring dwellings. The application site would suffer from unacceptable levels of overlooking and overbearing and does not provide a convenient area of amenity space with reasonable privacy. This is contrary to policies DA1, DA2 and H16 of the Peterborough Local Plan (First Replacement) which state:

DA1 Planning permission will only be granted for development if it:

- (a) is compatible with, or improves, its surroundings in respect of its relationship to nearby buildings and spaces, and its impact on longer views; and
- (b) creates or reinforces a sense of place; and
- (c) does not create an adverse visual impact.

DA2 Planning permission will only be granted for development if, by virtue of its density, layout, massing and height, it:

- (a) can be satisfactorily accommodated on the site itself; and
- (b) would not adversely affect the character of the area; and
- (c) would have no adverse impact on the amenities of occupiers of nearby properties.

H16 Planning permission will only be granted for residential development (including changes of use) if the following amenities are provided to a satisfactory standard:

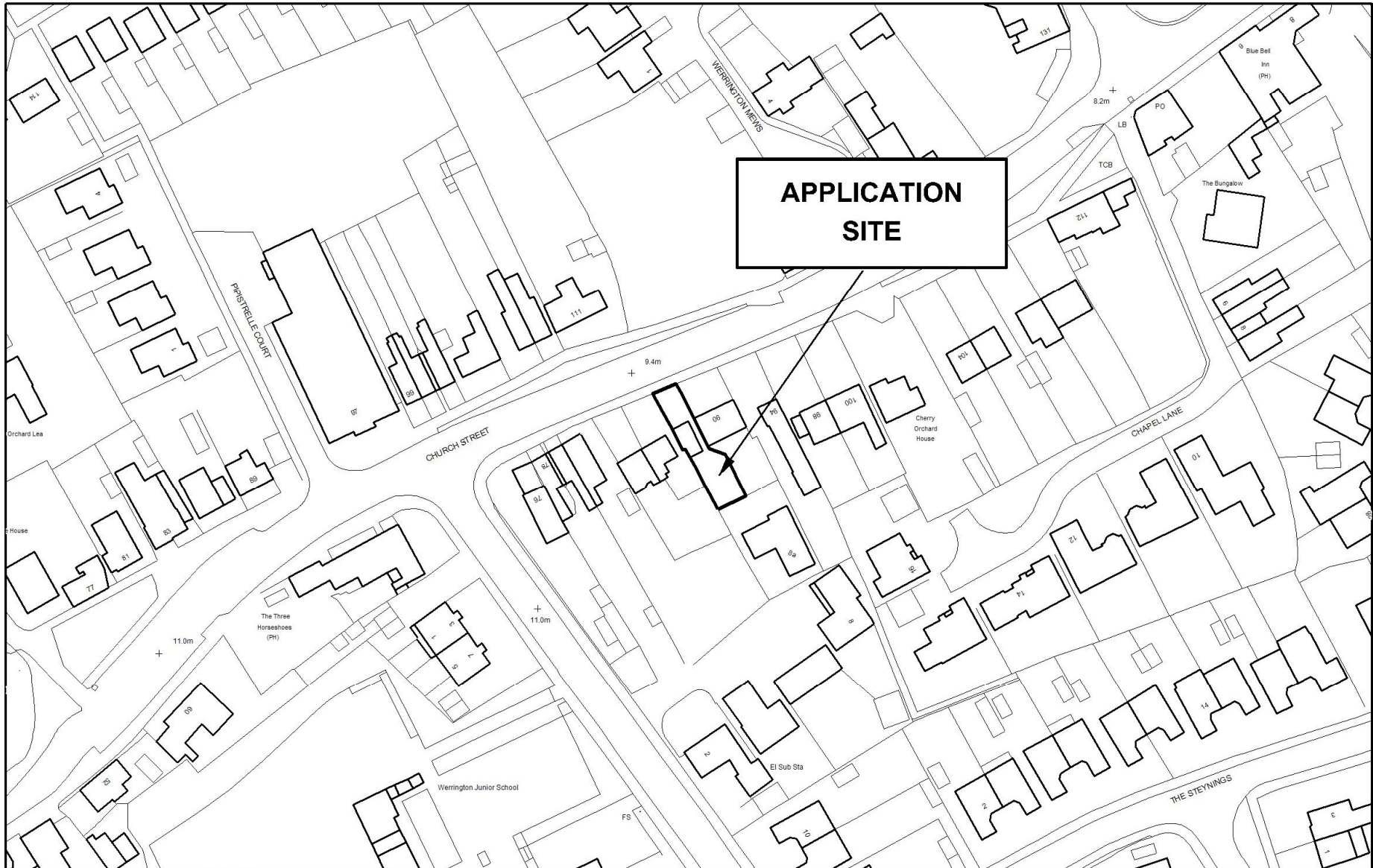
- (a) daylight and natural sunlight; and
- (b) privacy in habitable rooms; and
- (c) noise attenuation; and
- (d) a convenient area of private garden or outdoor amenity space with reasonable privacy.

R4 The parking space proposed is not shown on any submitted plans and a single parking space is considered inadequate given the size of the development and unsustainable isolated location of the proposed development. This is contrary to policies T1 and T10 of the Peterborough Local Plan (First Replacement) which state:

T1 Planning permission will only be granted for development if:

- (a) appropriate provision has been made for safe and convenient access to, from and within the site by all user groups taking account of the priorities set out in the Transport User Hierarchy of the Local Transport Plan; and
- (b) it will not result in unacceptable impact on any element of the transportation network.

T10 Planning permission will only be granted for car and motorcycle parking outside the City Centre if it is in accordance with the standards set out in Appendix V. Car and motorcycle parking in the City Centre will be assessed against policy CC15.



LOCATION PLAN 10/01241/FUL

88 Church Street, Werrington, Peterborough

Scale 1:1250 Date 9/11/2010 Name MKB Department Planning Services

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PCC GIS



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10/01241/FUL: CONSTRUCTION OF PITCHED ROOF OUTBUILDING IN REAR GARDEN,
88 CURCH STREET WERRINGTON
VALID: 10 SEPTEMBER 2010
APPLICANT: MRS BETH LAIRD
AGENT: ARC SURVEY AND DESIGN
REFERRED BY: CLLR DARREN FOWER
REASON: IMPACT OF THE OUTBUILDING UPON THE AMENITIES OF THE
OCCUPIERS OF THE ADJOINING RESIDENTIAL PROPERTIES
DEPARTURE: NO

CASE OFFICER: MIKE ROBERTS
TELEPHONE: 01733 454410
E-MAIL: mike.roberts@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The proposal is for the erection of a small outbuilding in the rear garden of a grade II listed residential property in the Werrington Village Conservation Area.

The main considerations are:

- a) the impact of the outbuilding upon the amenities of the occupiers of the adjoining residential properties
- b) the impact of the outbuilding upon the setting of the listed building and the character and appearance of the Werrington Village Conservation Area.

The Head of Planning, Transport and Engineering Services recommends that the application is **APPROVED**.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Relevant policies are listed below with the key policies highlighted.

The Peterborough Local Plan (First Replacement)

DA2 The effect of development on the amenities and character of an area
CBE3 Development affecting Conservation Areas
CBE7 Development affecting the Setting of a Listed Building

3 DESCRIPTION OF PROPOSAL

The proposed rear outbuilding is to have a square footprint with each side measuring 3.65m. It is to have a very shallow 15 degree pitched roof with a ridge height of 2.92m. The ridge is to be orientated in a near north-south alignment. The eastern and southern elevations are to be set in by 1m from the southern and eastern property boundaries. The west facing elevation is to be 2.35m from the western boundary of the garden. The north elevation is to be 6.5m from the rear elevation of the existing dwellinghouse. The outbuilding is to be set 0.3m lower than the existing ground level of the rear garden area of the property. There are door and window openings in the north elevation and two rooflights are proposed in each of

the two roof slopes. The elevations of the outbuilding are to be of a reclaimed red brick with the roof to be of an orange clay tile.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The property is located on the southern side of Church Street in the heart of Wellington Village. The property is grade II listed and located within the Werrington Conservation Area. The building dates from the 18th Century. It is a very small cottage, possibly the smallest dwelling in the village. It based on a narrow plan of approx. 6 metres depth, painted stone rubble with a steeply pitched pantile roof, and low eaves. The building has an unattractive single storey flat roofed rear extension, providing bathroom and kitchen facilities. The principle building has a single room at ground floor and a landing and small eaves bedroom at first floor. The building is very much in keeping with traditional buildings in the village and a rare surviving example of a simple vernacular cottage.

The rear garden of the property has a depth of 11m with a general width of 7m. There is a mature apple tree located in the south west corner of the garden, the trunk of which is located 2m from the rear boundary and approximately 0.6m from the western boundary. A narrower spreading more upright apple tree is located centrally in the rear garden. The boundaries to the rear garden of the property are varied in height and form. The boundary with the dwelling to the east of the property (no.90 Church Street) comprises a 1.8m tall close boarded fence closest to the rear elevation of that dwelling and thereafter a short length of a brick wall to 1.8m height, followed by a 2.2m high stone wall that was up until relatively recently the rear wall of a former outbuilding and thereafter to just short of the southern boundary wall a 1.35m high stone wall with vertical glazing on top that forms a part of the neighbours greenhouse. The rear garden of no.90 is at a lower level than the applicant's rear garden. The remaining 1.7m of the boundary comprises a red brick wall to a height of 1.6m. The rear boundary is entirely of red brick and is staggered in height with the majority, when measured from the applicant's side being 1.8m in height and the remainder towards the western boundary having a height of 2.1m. The western boundary comprises a low brick wall with trellis above to an overall height of approximately 1.3m for the first 4m of the boundary with principally fencing to a height of 2.1m leading to the southern boundary.

To the rear of no.88 is relatively new dwellinghouse i.e. no.8a Amberley Slope, which has its rear elevation sited approximately 6.5m behind the shared boundary wall. Most of the rear garden of no.8a is set lower than that of the application property although immediately abutting the shared rear boundary wall it has a raised patio that reduces the height of the boundary wall to approximately 1.6m on the side of no.8a such that standing within the patio would permit easy overlooking into the rear garden of no.88.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
10/00900/FUL	Construction of outbuilding in rear garden	02.09.2010	REFUSAL

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Building Control – Building Regulation approval would not be required.

Conservation Officer - There is no objection to the principle of the new building and this will not harm the setting of the listed building. The rear of the application property has a very unpleasant painted brick single storey extension. The facing material is to be a reclaimed red facing brick - this will match no 90 Church Street which is two storeys. The roof has a shallow pitch of 20 degrees. Rather than use Welsh slate it is recommended that either a pantile (Sandtoft Olympus Clay pantile) – which can be laid at 22 degrees – (so very nominally increase in roof pitch required) or the Sandtoft 20/20 plain tile (which can be laid at 15 degree pitch) is used. The point being that both are red clay and would be more sympathetic with the pantile to the listed building)

EXTERNAL

8A Amberley Slope, Werrington – No objections in principle but want the outbuilding sited to have minimal visual impact from their rear garden. Any outbuilding to serve the dwelling should be located on the site of the former outbuilding within the rear garden of the property that has been demolished. The ridge height should be related to the top of the existing southern boundary wall to minimise the imposing feeling, the orientation of the outbuilding should be parallel to their property and the roof should be of pantiles rather than slate. Objection to the current proposal on the grounds that the existing view from their rear lounge windows of the old cottages with pantiled roof tops within the Conservation Area would be lost.

7 REASONING

a) The impact of the outbuilding upon the amenities of the occupiers of the adjoining residential properties

The previous application was refused planning permission on the grounds that the siting of the outbuilding would prejudice the general amenities afforded to the occupiers of nos.90 Church Street and no.8a Amberley Slope given the immediate proximity of the siting of the outbuilding immediately adjacent to the east and south boundaries of the site. Specifically it would have reduced sunlight and daylight from the immediately adjacent traditional part brick/part glazing greenhouse to the rear of no.90 Church Street the glazing of which forms a part of the shared west boundary with no.88 and it would have resulted in an intrusive overbearing impact to the use of the rear patio of no.8a Amberley Slope.

Whilst the scale of this revised outbuilding proposal is essentially identical to that the subject of the previously refused proposal there have been changes to the siting of the outbuilding and also to the floor level of the outbuilding such that the impact of the building would no longer have an adverse impact to the amenities of the occupiers of the three adjoining residential properties. Specifically the setting in of the building by 1m would permit a significant improvement to the levels of light to the adjoining greenhouse of no.90 and would remove any potential harm by way of overbearing impacts. The latter is also aided by the rear garden of no.90 being set lower than that of the rear area of the garden of no.8a and by the presence of the 2.1m high shared stone boundary wall with the application property that would restrict visibility of the outbuilding from much of the garden of no.90.

The setting in of the outbuilding by 1m from the southern boundary and the reduction in its height by lowering the outbuilding into the ground by 0.3m would significantly reduce the physical overbearing impact of the outbuilding in relation to the use of the patio area to the rear of no.8a Amberley Slope such that the presence of the outbuilding would not physically, it is considered, adversely impact upon the level of amenity afforded to the patio area of that property. The occupiers of no.8a Amberley Slope have principally raised objection about the proposal on the grounds that their view from their lounge windows detrimentally affected by the siting and height of the outbuilding. In this respect the outbuilding, despite its relocation would indeed still be visible from both the rear garden of no.8a and also from the windows in its rear elevation. However, the use of traditional materials that will reflect those of the existing listed dwellinghouse and the general space that around the outbuilding would mean that the general views from the rear of no.8a would not be affected.

The location of the outbuilding to the north of no.8a will mean that there would be no loss of light to the rear of no.8a. In addition the presence of the outbuilding in the proposed location is likely to improve the enjoyment of the use of the patio of no.8a as it would distance the general activity within the garden of no.88 further away from the shared rear boundary between the two properties. It is considered that there is a justifiable need for an outbuilding to serve the property given the small nature of the dwelling within which areas for storage purposes would be limited.

b) The impact of the outbuilding upon the setting of the listed building and the character and appearance of the Werrington Village Conservation Area.

The outbuilding is considered to be of a simple scale, design and appearance that would reflect that of the existing listed dwellinghouse such that it would not adversely impact upon its setting. The outbuilding would not impact upon the general character and appearance of the Werrington Village Conservation Area being of a pleasing traditional design and appearance. It would not be visible from the general public realm. The occupiers of the dwelling to the rear of the site, no.8a Amberley Slope have raised

objection on the grounds that the view into the Conservation Area from the rear rooms of their dwelling would be adversely affected to the detriment of their general amenities. However, it is considered that the separation distance between the rear elevation of their dwelling and that of the proposed outbuilding will be sufficient to enable clear views of the rear elevations and roofs of the dwellings to the north of their property. Further the use of traditional materials for the outbuilding i.e. reclaimed red brick and clay orange pantiles will provide for a building that would not detract from their existing outlook.

8 CONCLUSIONS

The outbuilding is of a scale and location that would not be detrimental to the amenities of the occupiers of the immediately adjacent residential properties.

The outbuilding is to be of a satisfactory design and general appearance such that it would not adversely impact upon the general character and appearance of the Werrington Village Conservation Area.

The outbuilding is to be of a simple modest scale, design and general traditional appearance such that it would not be detrimental to the setting of the existing dwellinghouse which is a grade II listed building.

9 RECOMMENDATION

The Head of Planning Services recommends that this application is **APPROVED** subject to the following condition.

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

C2 No development shall commence until a sample of a reclaimed red brick has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the outbuilding shall accord with the approved details.

Reason: To ensure a satisfactory external appearance to safeguard the setting of the Listed building and the character and appearance of the Werrington Village Conservation Area in accordance with polices CBE3 and CBE7 of the Peterborough Local Plan (First Replacement).

C3 Notwithstanding the submitted information the Rooflights hereby approved shall be of a Conservation Rooflight design in accordance with details to be submitted to and approved in writing by the Local Planning Authority and the roofing material shall be Sandtoft 20/20 plain tiles. The construction of the outbuilding shall accord with the approved details.

Reason: To ensure a satisfactory external appearance to safeguard the setting of the Listed building and the character and appearance of the Werrington Village Conservation Area in accordance with polices CBE3 and CBE7 of the Peterborough Local Plan (First Replacement).

Copy to Councillors: Fower, Burton, Thacker